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COMMISSION ON HUMAN RIGHTS

Fifty-sixth session

SUMMARY RECORD OF THE 34th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 7 April 2000, at 10.00 a.m.

Chairman: Mr. SIMKHADA (Nepal)

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The meeting was called to order at 10.10 a.m.

STATEMENT BY THE DEPUTY MINISTER FOR FOREIGN AFFAIRS OF THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA

1. Mr. DIMITROV (The former Yugoslav Republic of Macedonia) said that the twentieth century had seen great technological advances, as well as enormous suffering. The international community had articulated the political will for global democracy through the activities of the United Nations, resulting in the development of international human rights law. However, the world continued to witness massive violations, gross neglect of the Geneva Conventions and humanitarian disasters. Children were victims of violence, sexual exploitation, abject poverty, hunger and the atrocious consequences of war.

2. The situation in Kosovo and the neighbouring Federal Republic of Yugoslavia (Serbia and Montenegro) was tense and difficult, with daily reports of basic human rights violations. He wondered when the international community would learn that peace was a prerequisite for the development of democracy and human rights? The primary task must be to counter the concept of "ethnically clean" nation States. One group's tendency to assert superiority over another only fed the vicious circle of collective hatred. Kosovo's multicultural character should be stressed, and the necessary conditions created for the return of refugees, regardless of their ethnic origin. It was important, also, to promote the concept of open civil societies based on individualism rather than collectivism.

3. Lasting stability in the region would largely be determined by peace in Kosovo, without which the humanitarian intervention of 1999 would have been to no avail. His Government, for its part, reaffirmed its support for effective implementation of Security Council resolution 1244 (1999). The urgent democratization of the Federal Republic of Yugoslavia was also a priority for the region's stability.

4. Convinced of the importance of strengthening existing mechanisms, his Government supported the new Optional Protocols and draft optional protocols to the various human rights instruments, as well as the earliest entry into force of the Statute of Rome of the International Crime Tribunal. Special attention should be paid to the effective implementation of the Declaration on the Right to Development.

5. Given that human rights were for all, without distinction as to race, ethnicity or national origin, further preventive strategies must be elaborated to combat racism and discrimination. His Government also welcomed the revision of the mechanisms of the Commission and wished to express its strong support for the activities of the High Commissioner for Human Rights. Technical assistance for promoting human rights education at the national level should be focused on the incorporation of civil society and human rights values in national school curricula, as was occurring in his own country.

6. With respect to the protection of persons belonging to national, religious and linguistic minorities at the regional level, his Government welcomed the work of the Council of Europe, particularly the Charter on the Protection of Regional and Minority Languages and the

Framework Convention for the Protection of National Minorities. It was to be hoped that the latter would contribute to deepening trust and understanding between countries in the region.

7. In that context, the determining role of the Stability Pact in achieving stable democratic societies in south-eastern Europe should be underlined. Respect for human rights - including the rights of minorities - was crucial to achieving lasting stability. The situation of ethnic minorities must be treated as a common concern of all States in the subregion, involving a balanced approach to all minorities based on international standards. The Republic of Macedonia was one of the few States in the subregion to boast a developed system for protecting the rights of persons belonging to minorities. Indeed, it was a true model of a multicultural civil society with a unitary political order.

CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTIONS OF:

(a) TORTURE AND DETENTION;

(b) DISAPPEARANCES AND SUMMARY EXECUTIONS;

(c) FREEDOM OF EXPRESSION;

(d) INDEPENDENCE OF THE JUDICIARY, ADMINISTRATION OF JUSTICE, IMPUNITY;

(e) RELIGIOUS INTOLERANCE;

(f) STATES OF EMERGENCY;

(g) CONSCIENTIOUS OBJECTION TO MILITARY SERVICE

(agenda item 11) (continued) (E/CN.4/2000/3 and Add.1-3, 4 and Add.1 and 2, 9 and Add. 1-3, 54, 55, 56 and Add.1 and 2, 57-59, 60 and Add.1, 61 and Corr.1 and Add.1 and 2, 62, 63 and Add.1-4, 64 and Add.1, 65, 115, 125, 126, 132, 133 and 135; E/CN.4/2000/NGO/2, 6, 9, 10, 20, 27, 29, 33, 41, 45, 50, 60, 62-64, 78-81, 91, 92, 95, 104-106, 111, 118, 126, 129, 130-135, 138, 141, 143 and 147; E/CN.4/Sub.2/1999/27; A/54/177 and Corr.1)

8. Mr. McNAUGHTON (International Human Rights Association of American Minorities) said that the international community must condemn enforced disappearance as the most heinous of all crimes and one that was used as a tool by certain States to sow fear and silence opponents.

9. In Guatemala, children and young adults belonging to a non-governmental organization (NGO) seeking to ascertain the fate of their disappeared parents were being threatened and harassed, probably by those responsible for the more than 45,000 disappearances in that country. The Guatemalan legal system was unable to bring those responsible for Bishop Juan Gerardi's murder to justice, with members of the judiciary receiving death threats.

10. The Government of Mexico claimed to be alleviating the poverty and suffering of its people but it continued to support paramilitary groups in Chiapas as part of its "counter-insurgency strategy". Innocent civilians continued to suffer at the hands of such groups and at those of the Mexican military and police forces.

11. In Colombia, the Government was conducting a genocide against indigenous peoples under the guise of a "drug war", with the support of the United States and transnational corporations. The purpose was to gain access to the indigenous peoples' oil and land.

12. The situation in Indian-occupied Kashmir had too long been ignored by the international community. India and Pakistan must behave responsibly and engage immediately in constructive dialogue with the full participation of the Kashmiri people.

13. Mr. CASTILLO (Indian Council of South America) said that he wished to bring the Leonard Peltier case to the attention of the Commission (E/CN.4/1997/NGO/80). Mr. Peltier, a Lakota-Chippewa and a life-long defender of the cultural, civil and human rights of indigenous people, was currently incarcerated for a crime he had not committed. He had been arbitrarily held in United States federal prisons for 24 years for vindictive political reasons, all domestic remedies having been obstructed. The United States had admitted being directly responsible for his fraudulent extradition from Canada in 1976, and for having submitted falsified affidavits to Canadian officials. Mr. Peltier had been denied parole and had been held for eight years in excess of the United States Parole Commission's own guidelines, his next parole hearing being due in 2008.

14. According to an official report, Mr. Peltier was suffering from diabetes, a cardiac condition and hyperlipidemia. He had also lost 80 per cent of the vision in his left eye as a result of the prison authorities' failure to provide appropriate medical care.

15. Thousands of prisoners in the United States did not receive adequate care for serious physical or mental heath problems. The Commission should instruct the Special Rapporteur on the question of torture and the Working Group on Arbitrary Detention to visit the United States to investigate the Leonard Peltier case and the conditions of detention of millions of other prisoners in that country.

16. Ms. HERNANDEZ FUENTES (National Union of Jurists of Cuba) said that the people of Cuba had the right to demand reparations from the United States for the violation of their civil rights, including their right to life and physical integrity. From 1959 to 1965, armed mercenaries, supported by the United States, had caused the deaths of hundreds of civilians. The Central Intelligence Agency (CIA) had sabotaged Cuba's literacy campaign with terrorist attacks, assassinating young teachers and peasant families, including women and children. Cuba had been forced to spend huge resources defending itself, and thousands of Cubans had lost their lives. The United States Government must be held responsible.

17. Ms. GERVAIS-VIDRICAIRE (Canada), speaking on a point of order, referred to a statement made in the name of the Organization of American States (OAS) by a person whose credentials had been questioned. The Inter-American Commission on Human Rights had later confirmed in writing that the person concerned was its representative. She was concerned that a statement by a defender of the freedom of expression should not be suppressed.

18. The CHAIRMAN said that the Secretariat had confirmed that the person in question had not been duly accredited. The decision not to include his statement in the summary records or press releases remained a valid one, since the members of the Commission had raised no objection at the time.

19. Mr. GUPTA (Afro-Asian Peoples Solidarity Organization) said that some Governments paid lip-service to freedom of expression by citing lack of controls on the media while preventing all other manifestations of freedom of opinion. Thus, in Pakistan, the democratic system had been overthrown at gunpoint and the military rulers had banned public political rallies and placed religious intolerance on a pedestal. Christians and Ahmadiyyas had been sentenced to death under the Blasphemy Law and religious institutions imparted sectarian education and weapons training to impressionable young people.

20. Political and civil rights had never been of concern to the feudal power elite of Pakistan. There had always been military rule, though sometimes in civilian garb. Nawaz Sharif's recent overthrow for exercising his right to dismiss the chief of staff was further proof that Pakistan had evolved not as a military dictatorship.

21. Ms. PERVIZAT (Women's International League for Peace and Freedom) said that one of the worst forms of extrajudicial killings was the premeditated killing of women by male family members after the family had decided that they had shamed or dishonoured it by their behaviour. In some countries, women were tortured before they were killed and given the choice of committing suicide. In some countries, also, lawyers were consulted on how to conduct the murder so that the perpetrator would get the lightest possible sentence; that often meant that adolescent boys were chosen to do the killing.

22. States that did not use due diligence to prevent such extrajudicial executions and neglected to prosecute were failing to honour their international obligations. Many legal systems explicitly or implicitly justified such murders by reducing penalties. In Egypt, the "defence of property excuse" and legal rights of self-defence were used. In many countries, such as Venezuela, there were provisions relating to criminal infanticides and the abandonment of babies perceived to be the products of shameful relations. In Ecuador, Jordan and the Islamic Republic of Iran, specific laws provided a complete defence, making "honour killings" an "excusable homicide". Argentina, Bangladesh, Brazil, Peru and the State of Texas in the United States of America had laws, policies or practices that displayed indifference to, acceptance or approval of or even permission for such executions.

23. The Special Rapporteur on the independence of judges and lawyers should look at incidents where lawyers were consulted before an "honour killing" was committed; the Special Rapporteur on torture should look into the torture, pain and suffering the women underwent; the Special Rapporteur on the right to freedom of opinion and expression should study the killings

from a gender-based perspective, and the Special Rapporteur on extrajudicial, summary or arbitrary executions should carry out further work on the practice so that it could be brought to an end.

24. Ms. GHEBREHIWET (International Council of Nurses), speaking also on behalf of the International Pharmaceutical Federation and the World Medical Association, said that the remit of an existing special rapporteur might be expanded to include surveillance and action on human rights violations related to health professionals. It was incompatible with their professional duty for health care providers to be directed by Governments as to whom they could or could not treat. It was against their ethical codes to discriminate on the basis of colour, gender, creed, religion, social status or political affiliation. They often suffered reprisals for providing treatment and counselling to those, such as torture victims, whose human rights had been violated.

25. Health professionals in European and other countries were being harassed, imprisoned and tortured for having treated patients belonging to opposition political parties. It was also disturbing that health facilities and training institutions were often the targets of wanton destruction. She thus called upon the Commission, Governments, NGOs and other participants to give their full support for the establishment of a special rapporteur to ensure the independence and integrity of health professionals.

26. Mr. JAHANGIR (Himalayan Research and Cultural Foundation) said that religious intolerance had become covert rather than overt and the growth of religious fundamentalism in South Asia enjoyed the secret support of Governments. Groups of terrorists, projecting themselves as Muslim mujahidin had for more than 10 years been targeting non-Muslims and destroying their homes as well as Muslims who were opposed to their actions.

27. Although the mujahidin groups claimed to be working independently, it was an open secret that they were supported, financed and armed by the Government and establishment across the border. The human right of religious tolerance could not be realized unless the appropriate mechanisms dealt with Governments which supported fanatical extremist groups preaching and practising religious intolerance. The Commission should urge the Government in question to stop supporting terrorist groups which were creating havoc in Jammu and Kashmir.

28. Mr. SYED (European Union of Public Relations) said he was concerned that, in the name of religion, the polarization of communities could degenerate into horrendous acts of violence. Peace was the sole genuine guarantor of fundamental freedoms but it appeared that, in the conflicts and civil wars ravaging the most deprived areas of the world, the driving force of instability was terrorism and some States were using terrorism in inter-State conflicts.

29. The violence unleashed by non-State actors created a psychosis of fear which sustained a level of tension necessary to the perpetuation of war. There was no ideal way for State forces to conduct large-scale counter-terrorist operations, and the aggressors calculatedly knew that they were calling for retaliation. Human rights were the first and foremost casualty in what became a pattern of endless violence. For the past 10 years, his own land - Kashmir - had been ravaged by aggression and unimaginable violence perpetuated by foreign mercenaries encouraged by a belligerent nation.

30. Mr. SIMMONS (International Indian Treaty Council) acknowledged the humanitarian gesture on the part of the United States Government in allowing the political prisoner Leonard Peltier to receive the medical attention he had needed for the past four years. His organization called upon President Clinton further to demonstrate the United States Government's change of heart by granting Mr. Peltier executive clemency and releasing him from prison without further delay.

31. Ms. BENALY (International Indian Treaty Council), referring to the Commission's approval at its fifty-fourth session of a visit to her community in Big Mountain, Arizona, United States of America, by the Special Rapporteur on religious intolerance, said that her people did not wish to be relocated and wanted to have their rights respected. For many years, the United States Government had denied them the freedom to practise their religion. The policy of the Government to partition their traditional land under Public Law 93-531 had to be reversed. Interest groups such as the Peabody Coal Company and Hydro Resources Inc. were depleting her people's water and natural resources without any consideration for their religious ties to their homeland.

32. Ms. DEHOY (Catholic Institute for International Relations) expressed concern regarding recent developments in Laos which suggested growing intolerance of people who chose to worship in churches that did not have State approval. Such government intolerance towards both Catholics and Protestants was particularly noticeable when the individuals concerned were thought to be in contact with foreign organizations. They had been subjected to detention, the destruction of their churches and other intimidation aimed at forcing them to recant their faith. One church leader who had been imprisoned for 18 months in the early 1990s and rearrested in March 1999 had been offered his freedom if he signed a document abandoning his faith. He was kept in solitary confinement and denied solid food for days at a time. His wife and children, along with the families of other detainees, had been forcibly relocated and scattered among non-Christian villages.

33. Similar difficulties were encountered by religious believers in Viet Nam, where the situation had been compounded by a decree further eroding the right of belief and giving local officials and security services wide powers in determining whether religious activities were permissible.

34. In Myanmar, the Government monitored the activities of members of all religions, including Buddhism, partly because they had in the past been politically active. In recent years, the Myanmar military had desecrated churches, mosques and graveyards, disturbed religious ceremonies, prevented preaching, destroyed religious symbols and imposed restrictions on attendance at religious gatherings.

35. In India, the Freedom of Religion Bill in Gujarat and the Construction of Religious Places Act in Uttar Pradesh were inimical to the rights of Christian and Muslim minorities, and it was believed that the proposed changes in the Criminal Law Amendment Bill were intended to target religious minorities.

36. In Pakistan, minorities faced persecution and intimidation under the Blasphemy Law: even when accusations had been proved to be unfounded, individuals remained in serious danger and were forced to live in hiding or flee the country.

37. Her organization urged the Commission and the Special Rapporteur on religious intolerance to raise the various issues with the Governments concerned and to take all possible measures to eradicate the practices she had mentioned.

38. Mr. JOINET (Vice-Chairman of the Working Group on Arbitrary Detention) offered an apology to the representative of Peru regarding Opinion No. 23/1998 in the case of Mr. Huamán Morales. It had been given in December 1998, although Mr. Huamán had been released in June 1998. It was very likely that, owing to a breakdown in internal coordination, the Working Group had misplaced the case. The case of Ms. Arredonde Guevara would be resolved at the Working Group's forthcoming session.

39. The observer for Switzerland had been quite correct regarding the Working Group's practice with respect to following up visits. It was determined to continue as it had started, but its success very much depended on the cooperation of Governments.

40. In that connection, he had held two meetings with the observer delegation of Viet Nam regarding that country's presidential amnesty marking the turn of the millennium. It would be further discussed with the country concerned at the Working Group's next session, since the Group was anxious to learn more about the extent of the act of clemency.

41. The delegation of Cuba had been commendably assiduous in its reading of the Working Group's report and addenda. He believed that the Working Group had handled the legal aspects of the communications concerning detention at the Al-Khiam prison in southern Lebanon well from a technical point of view, that its Deliberation No. 5 (E/CN.4/2000/4, annex II) reflected the Commission's request that it devote all necessary attention to reports concerning the situation of immigrants and asylum-seekers and that the conclusion contained in paragraph 65 of the report was undoubtedly a welcome one.

42. As for the somewhat less positive comments by the representative of Cuba, he said that the Working Group had been balanced rather than selective in its opinions, in which connection, he drew attention to the four Opinions adopted in respect of the United States of America and the single Opinion adopted in respect of the United Kingdom (E/CN.4/2000/4, pp. 8 and 9). As for the observation by the representative of Cuba that the inflation in the number of urgent appeals might amount to their devaluation, only history could decide; their number would certainly not seem excessive to those persons languishing in prison.

43. Mr. AMOR (Special Rapporteur on religious intolerance) said that he would take account of all the proposals that had been made. In reply to the representative of India, he said that, while the Indian constitution was indeed very liberal, Indian society was complex and included many minorities, including Christians. Developments in recent years had been characterized by the growth of a form of Hindu extremism, a fact that had been acknowledged by official Indian bodies, and information concerning attacks on Christians had been provided not only in the

Indian press but also in the Indian parliament. He did not share the view of the representative of India that the allegations he had made were insufficiently founded. Indian society was dynamic, and serious conflicts sometimes occurred in dynamic societies. They had to be addressed.

44. Turning to the situation of certain indigenous communities in the United States of America, he said that the spirituality of indigenous peoples was as worthy of respect and consideration as any other beliefs, and it was not for any individual, group or State to be the judge of their spirituality.

45. He had noted with great interest the large number of speakers who had supported his request that his title be changed to Special Rapporteur on freedom of religion and belief. It was, of course, for the Commission to decide whether the change should be made.

46. The process of preparing the International Consultative Conference on the Role of Education in Promoting Freedom of Religion and Belief, to be held in Madrid, Spain, in 2001, was already under way, and he had great hopes for its success.

47. Lastly, it was important to emphasize that women's rights must be protected. Very often the limits placed on those rights derived from religion. Consequently, a special study should be made of the position of women with regard to religion.

Statements in exercise of the right of reply

48. Mr. MULONDA (Zambia), responding to the statement made by the representative of the World Press Freedom Committee, said that Zambia, a young democracy, considered freedom of expression to be central to the realization of a truly democratic society and had securely entrenched such freedom in its Constitution. Both the printed and electronic media had been liberalized with a view to enhancing press freedom, and there were currently more than 10 private newspapers in the country, and a similar number of private radio stations.

49. Nevertheless, freedom of expression was not a blank cheque that could be used to injure the rights of others. The Zambian legal system therefore allowed for certain limitations within the law, aimed at safeguarding the rights of others and democratic society. It was those, fully justified, limitations that certain irresponsible bodies believed to be abuses. The World Press Freedom Committee appeared to be uninformed with regard to freedom of the press in Zambia.

50. Mr. AL-DORI (Iraq), referring to the statement by the representative of the United States of America, said it was a well-known fact that the United States had been in a state of war with Iraq since 1991. Its aircraft carried out daily bombing attacks against all parts of the country. At the very moment when that representative had been making his statement, United States aircraft had been carrying out attacks that had left 14 citizens dead. Every six hours, one Iraqi child died as a direct result of the sanctions imposed in pursuit of United States policy. Since those sanctions had first been imposed over 10 years ago, half a million children and one and a half million adults had died as a direct consequence.

51. The United States could give lessons to no-one on human rights when its history was full of violations of its own indigenous population's human rights and when African-Americans

continued to suffer from highly discriminatory policies. The United States representative appeared to be unaware that Iraq was the only State in the region to have ensured that its Kurdish and other minorities enjoyed full human rights. The United States merely wished to try to justify its policy towards Iraq.

52. Mr. LESSIR (Tunisia) said that the representative of an NGO had referred to a so-called journalist whose rights had been violated and to other extremists who were known for their illegal and violent actions against the State. The supposed journalist had no press accreditation and was a professional troublemaker. The NGO had levelled accusations against the Internet agency and providers in Tunisia. Those allegations were pure fantasies of the sort for which the NGO was notorious. Internet services in Tunisia were being ever-more extensively used and their cost had been considerably reduced. Regrettably, his delegation had yet again to point out that the NGO involved had shamelessly abused the Commission as a forum, in order to level unfounded and malicious allegations against his country.

53. Completely fantastic assertions had been made with regard to the freedom of the press, which was guaranteed in Tunisia. The Press Code had been amended on many occasions with a view to strengthening the protection provided to journalists and ensuring the existence of a pluralist media. The public authorities accorded the information sector special attention, and media professionals were encouraged to exercise their profession.

54. He wished to reaffirm his Government's complete commitment to the promotion and protection of all human rights, including freedom of expression. The Commission must assume the responsibilities to which its Chairman had referred on numerous occasions and call to order NGOs that made defamatory statements.

55. Ms. MAJALI (Jordan), referring to the statement by the representative of the Women's International League for Peace and Freedom on honour killings which asserted that Jordan had specific laws that provided a complete defence to honour killings, and that such crimes were indicative of the failure on the part of the State to fulfil its role as the protector of the right to life, said that her delegation had made a statement in which the matter of so-called crimes of honour had been examined. The State neither approved nor condoned any type of crime. However, there were extenuating circumstances in some cases that allowed for a reduction in sentence. Such circumstances were found in many legal systems.

56. In Jordan, the criminal law was comprehensively enforced and no one was immune. In her report (E/CN.4/2000/3, para. 82), the Special Rapporteur on extrajudicial, summary or arbitrary executions had stated that she was aware of and welcomed the initiatives taken by the Government of Jordan to abolish or amend its legislation in order to bring it into conformity with international standards in that regard. Article 340 of the Jordanian criminal law was soon to be abolished.

57. Mr. SALAMA (Egypt), said that the representative of the Women's International League for Peace and Freedom had asserted that Egypt neglected to prosecute extrajudicial executions and that its legal provisions justified so-called honour killings by reducing the penalty. The statement failed to differentiate between two clearly different things, namely, extenuating circumstances and the denial of justice and failure to prosecute. The concept of extenuating

circumstances was well established in criminal law in all parts of the world. All such circumstances for which provision was made in the Egyptian Penal Code were compatible with international standards and in line with modern legislation elsewhere. It should be noted that, in Egypt, it was an offence to dishonour not a man but a human being. The Egyptian legal system did not distinguish between men and women, although there were examples of positive discrimination, such as in the new Family Affairs Act, which constituted clear affirmative legal action in favour of women.

58. Mr. DUONG CHI DUNG (Viet Nam) said that the statements made by the representative of the Catholic Institute for International Relations with regard to religious freedom in his country had been groundless and tendentious. The Commission had been misinformed and abused as a forum. It was his Government's consistent policy to promote and protect all religious practices and religious minorities. In recent years, the number of Christians had doubled and there were large numbers of local bishops. The cases referred to in the statement were distorted and in clear contrast to reality with regard to Christianity and other religions in his country. That reality had been vividly reflected in two programmes on Christianity in Viet Nam recently shown on television in Switzerland.

59. Mr. BATCHELOR (United States of America) said that his delegation took exception to the unfounded comments made by the representative of Iraq. Saddam Hussain was responsible for what was happening in Iraq.

60. Mr. MAHASARANOND (Thailand) said that he wished to respond to the statement made by the representative of Pax Romana with regard to an incident that had occurred in May 1992. That case was considered closed, and an Amnesty decree had been issued relieving all the parties concerned of responsibility for their actions. Even though that decree was a controversial one, all the interested parties had upheld the ruling of the Constitutional Tribunal on the decree, in order to maintain national reconciliation. The Government had, at the time, established a Committee to investigate losses and damages sustained during the incident. Disclosure of the findings of the Committee had been in line with the Information Disclosure Act.

INTEGRATION OF THE HUMAN RIGHTS OF WOMEN AND THE GENDER PERSPECTIVE:

(a) VIOLENCE AGAINST WOMEN

(agenda item 12) (E/CN.4/2000/66, 67, 68 and Add.1-5, 115, 128 and 131; E/CN.4/2000/118-E/CN.6/2000/8; E/CN.4/2000/NGO/42, 56, 65, 87 and 119; E/CN.6/2000/6; E/CN.4/Sub.2/1999/14)

61. Ms. ŠIMONOVIĆ (Croatia), Chairperson of the Commission on the Status of Women, said that part of the forty-fourth session of the Commission on the Status of Women had been devoted to its work as the preparatory committee for the forthcoming special session of the General Assembly entitled "Women 2000: gender equality, development and peace for the twenty-first century". The challenge to be faced at that session would be to build on the achievements of Beijing and the impact that it had had at all levels. The preparatory committee

was currently drafting the outcome document, which would contain actions and strategies to accelerate full implementation of the Platform for Action. Her Commission's actions were guided by a vision of society in which gender inequality had been overcome and where women and men were able to participate fully and equally in all areas of life.

62. Of the four resolutions adopted by her Commission at its forty-fourth session, two were of particular interest to the Commission on Human Rights, namely, the draft resolution on the situation of women and girls in Afghanistan and the resolution on women, the girl child and HIV/Aids. The provisional agenda adopted by the Commission on the Status of Women for its forty-fifth session included two thematic issues for in-depth consideration, namely, women, the girl child and HIV/Aids and gender and all forms of discrimination. The second theme had been chosen to enable the Commission to provide input to the forthcoming World Conference against Racism.

63. She was pleased to note that the joint work plan of the Division for the Advancement of Women and the Office of the High Commissioner for Human Rights (OHCHR) (E/CN.6/2000/8-E/CN.4/2000/118) had been issued with a double symbol, and said that members of the Commission on the Status of Women remained committed to the ongoing cooperation between the secretariats that serviced the two Commissions.

64. The Commission on the Status of Women continued to implement the communications procedure in accordance with the mandate first established in 1947. Based on the recommendations of its Working Group on communications, her Commission had requested the Secretary-General to prepare a report for its forty-fifth session containing an overview of any reform measures that might be adopted by the Commission on Human Rights and assessing their implications for the communications procedure of the Commission on the Status of Women.

65. The Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, adopted on 6 October 1999, would provide an additional and powerful tool for the advancement of women's interests. It would also provide a strong incentive for Governments to review their legislation and policy with regard to women and the remedies available at domestic level for women whose rights had been violated. The strength of the Optional Protocol would lie in its capacity to encourage change at the national level, rather than to provide redress in an international context.

66. She had been encouraged by the excellent progress that had been made in the Commission on Human Rights in focusing attention on women's enjoyment of human rights. Women's equal enjoyment of rights and non-discrimination on the basis of sex were currently addressed by the Commission as a matter of course. Increased attention had been given to situations specific to women, such as violence against women. Progress had also been made in increasing understanding of the fact that gender had an impact on enjoyment of human rights and was an important dimension in the substantive definition of rights. The work of the Commission on Human Rights had been instrumental in that regard. The time had come, however, to translate conceptual achievements into practice through legislation, judicial decisions and policies at the national level, as well as through the work of intergovernmental bodies.

67. She wished to express her thanks to the Commission for the work it had done to eradicate violence against women and to integrate the human rights of women and the gender perspective into the human rights mechanisms of the United Nations. Good cooperation between the two Commissions was essential to achieving their common goals, including a world where women's mistakes were not explained on the basis of gender.

68. Mr. KOBAYASHI (Japan) said that the rights of women and the need to defend them could be overlooked in the process of policy-making. The integration of the human rights of women and the gender perspective into the whole United Nations system was therefore essential, and his Government was pleased that progress was being made in that regard. A similar approach had been adopted in his country with regard to the formulation and review of policy. In June 1999, the Basic Law for a Gender Equal Society had entered into force in Japan, and since then, the central Government and local governments had taken steps to ensure respect for the human rights of women.

69. The Convention on the Elimination of All Forms of Discrimination against Women provided a comprehensive legal framework for the protection and promotion of the human rights of women. Since ratifying the Convention, Japan had submitted the periodic reports required of the States parties and had consistently attempted to implement the Convention by strengthening the national machinery for gender equality and revising some existing legislation. He hoped that the Committee on the Elimination of Discrimination against Women would make a significant contribution to the ongoing work of the United Nations, including the forthcoming special session of the General Assembly, and welcomed some of the activities it had already carried out.

70. It must be universally recognized that violence against women was a violation of human rights. His Government had designated the eradication of violence against women as one of the priority objectives of its National Action Plan, and had been dealing with the issue in a comprehensive manner. The root causes of such violence were being studied in order to provide the bases for appropriate action.

71. A further threat to the human rights and dignity of women was trafficking in persons. Japan had hosted a symposium on the subject in January 2000, which had helped to deepen understanding of that issue. Negotiations were under way to elaborate a United Nations convention against transnational organized crime with three protocols, including one on trafficking in women and children. His Government was fully committed to the accelerated timetable for those negotiations, and hoped that work would be completed by the end of 2000.

72. At the Fourth World Conference on Women, Japan had launched the Women in Development (WID) initiative, urging that development assistance be provided in order to end gender disparity and improve the status of women in society. The initiative was one of Japan's highest priorities in its medium-term policy on official development assistance (ODA) for the years 2000 to 2005.

73. Preparations for the special session were in progress. The Commission's discussions would have a crucial impact on the outcome of that session. His delegation therefore intended to

take an active part in the deliberations, with a view to ensuring that progress was made in that area at the special session and beyond, and that the human rights of women were reflected in all endeavours aimed at equality, peace and development.

74. Ms. PÉREZ DUARTE (Mexico) said that her delegation was in complete agreement with the remarks on the principle of non-discrimination and mainstreaming the gender perspective contained in the report of the Secretary-General (E/CN.4/2000/67), and with the strategies that were being pursued. Mexican women could attest to their own increased involvement in all aspects of the life of society. Nevertheless, many obstacles remained. Her Government had adopted a programme to consolidate equality between men and women, and she wished to focus on two aspects of that programme, namely, poverty and violence against women.

75. Poverty was a form of social injustice that affected rural and urban men and women alike. However, women's poverty could not be dealt with in the same manner as poverty in general. It had been recognized at the Fourth World Conference on Women that women's poverty was directly related to lack of opportunity and financial autonomy, poor access to education, support services and economic resources and lack of involvement in the decision-making process. Older women were also more likely to be affected by extreme poverty than men.

76. To address the feminization of poverty adequately, a number of factors had to be taken into account, including the division of labour, domestic arrangements, women's economic dependence on men, the type of income-generating activities available to women and women's access to economic resources. Her Government was employing the gender perspective in dealing with that problem, having recognized that any action taken to relieve women's poverty had a beneficial effect on families. Since, in many parts of the world, the feminization of poverty was the result of customs and standards which denied women access to land, property and a reasonable standard of living, her delegation invited the Commission to consider the draft resolution it had submitted under agenda item 10.

77. Government and civil society worked closely together on the campaign against domestic violence. At the previous session, the Commission had been informed of the launch of the National Programme against Domestic Violence. The process had been taken a step further with the introduction of a Mexican Official Standard relating to medical attention for domestic violence. An early-warning system had been set up. The Standard laid down the criteria to be observed in medical examinations, and the information that should be given to those involved in such violence. It also aimed at defining criteria for establishing a register of cases.

78. Women were, of course, subjected to many other forms of violence. One example had been that of the women murdered in Ciudad Juárez, which had caused outrage throughout Mexican society. It was, however, heartening that the authorities and human rights groups were working together to investigate the case.

79. In response to one of the commitments arising from the Fourth World Conference on Women, her Government had, in collaboration with the United Nations Development Fund for Women (UNIFEM), set up a system of indicators, tracking women's situation and thus

establishing a database on gender differences at various stages of life. Mexico was the only country in the region with such a system, which was an indispensable tool for planning and following up effective gender policies.

80. Ms. INAYATULLAH (Pakistan) said that the new Government of her country was at pains to improve Pakistan's rating as one of the world's most gender-insensitive countries. Rather than viewing women's issues in the context of social welfare, it had recognized that no agenda for human rights or development was complete without due attention to the condition of women. A national plan of action formulated after the Fourth World Conference on Women was being implemented. Women had also been appointed to the National Security Council and the federal and provincial cabinets.

81. Much action had been planned. It included nationwide participatory leadership training for the women who were to make up half of local government while, at the provincial level, task forces had been constituted to examine how women could be mainstreamed into every aspect of district government. Three expert groups had been set up by the Ministry of Women Development, covering women in the media, the feminization of poverty, and traditional practices and customs. Their brief would be to identify practical solutions and not just draw up another report.

82. The Government had set up a Women in Distress Fund of PRs. 25 million, which would be used to improve conditions in jails and protection houses for women and to facilitate legal aid to women in distress. The Chief Executive had set up an informal consultative body, consisting of the seven women ministers, to examine the hudud laws and suggest safeguards to ensure that they were not misused by the police and others to harass women.

83. The Government had also affirmed, at the highest level, that there was nothing honourable about so-called "honour killings", which were not sanctioned by religion but were remnants of ancient tribal customs and un-Islamic. The Government would combat the practice by all the means at its disposal.

84. Several aspects of the Government's Poverty Reduction Strategy, which was currently being prepared, addressed women's issues, including closing the gender gap in primary school education; providing for the nutritional needs of girls, mothers and infants; reforming the National Food Support Programme, so that the woman rather than the man would be issued the Beneficiary Card for food support allowance; and providing women with 50 per cent of the micro-credit available.

85. Mr. MENDONÇA E MOURA (Portugal), speaking on behalf of the European Union and the associated countries of Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia, said that the Union strove for the attainment of the goal of eliminating de jure and de facto discrimination against women in all fields. It therefore regretted that universal ratification of the Convention on the Elimination of All Forms of Discrimination against Women by the year 2000 had not been achieved. Indeed, in the past year, only two more countries had acceded to it. That was a deplorable lack of commitment to what must be regarded as one of the greatest steps forward of the twentieth century. The Union therefore urged all States to ratify or accede to the Convention as a matter of urgency and to

bring national legislation and practices into conformity with it. Furthermore, the number of reservations was significantly high. States should therefore review the need for maintaining reservations and, if possible, withdraw them.

86. The Committee on the Elimination of All Forms of Discrimination against Women played a most important role. It was therefore a matter of priority to make possible the entry into force of the amendment to article 20, paragraph 1, of the Convention, so as to provide the Committee with flexibility in determining the number and duration of its annual sessions. He called on the States parties to take all appropriate measures for the acceptance of the amendment as soon as possible.

87. The Union welcomed the adoption of the Optional Protocol to the Convention, which would considerably improve the Convention's effective implementation; its entry into force at an early date was of paramount importance. The Protocol strengthened human rights mechanisms within the framework of the United Nations, in that it enabled a treaty body to consider gender-specific human rights violations. The existence of a complaints procedure, in addition to the inquiry procedure, would make it more possible for women's rights to be realized. Nearly all the States members of the Union were signatories of the Protocol.

88. The Union acknowledged the inadequacies of the past and committed itself to a human rights environment where both sexes could effectively develop all their talents and capabilities. It was therefore important to eradicate gender segregation in the economic and social spheres; ensure gender equality in education, and equal participation of women and men in decision-making; prevent and punish all types of gender-based violence; implement easily accessible health-care systems able to meet the special needs of women; ensure women's right to reproductive health; integrate a gender perspective into all policies and programmes; and acknowledge the essential contribution of women and their organizations - which should be adequately supported - to the promotion, protection and enhanced understanding of human rights.

89. In that context, the Union noted with concern the phenomenon of the feminization of poverty and reiterated that gender inequality remained one of the major obstacles to the eradication of poverty and other forms of social exclusion. The importance of access by women to food, health care, education and employment should also be underlined.

90. Women had a dynamic role in society and were key actors in the promotion of human rights. They must therefore be granted effective participation in all fields of life, especially in the processes of democratic transition and development in their countries. Partnership, mutual respect and sharing of responsibilities between women and men should be the cornerstone of society. Moreover, access by women to power strengthened participatory democracy, consolidating its proper functioning. The Union therefore advocated equal opportunities and equal participation by women and men in all local, national, regional and international bodies and policy-making processes.

91. Armed conflicts persisted in many parts of the globe, affecting particularly women and girls, who were generally the victims of the most heinous human rights violations and, together

with the elderly, made up the bulk of the flows of refugees and internally displaced persons. The international community should therefore concentrate its efforts on conflict prevention, including women's role in that process.

92. The Union was pleased that a gender perspective had been incorporated into recent international legal instruments, such as the Rome Statute of the International Criminal Court, where gender-based crimes were considered to be crimes against humanity or war crimes. The Union was deeply committed to the speedy entry into force of the Rome Statute and the establishment of the Court as a means of putting an end to impunity. The Court must introduce a gender perspective into all its workings.

93. It was a matter for concern that acts of violence against women and girls continued to occur worldwide. Harmful traditional practices affecting the health of women, such as female genital mutilation, and violence against women and girls, demanded urgent and effective action. The prime responsibility lay with States, which should take adequate steps, including legislation, to protect them. High priority should be given to assisting women who were victims of violence, as well as to punishing perpetrators and helping victims break out of the cycle of violence. Awareness-raising and the dissemination of relevant information were also indispensable allies in overcoming traditional practices affecting the health of women and the girl child.

94. Urgent and innovative action should be taken to suppress both trafficking in women and other forms of exploitation of women. The Union welcomed the current work on elaborating a convention against transnational organized crime, in particular with regard to the draft protocol to prevent, suppress and punish trafficking in women and children. The instruments should be finalized at an early date. The Union also welcomed the Council of Europe initiative against trafficking in human beings for the purposes of sexual exploitation and the 2000 Action Plan of the Organization for Security and Cooperation in Europe (OSCE) for activities to combat such trafficking. The Union's own programme also played an important role in the anti-trafficking campaign, as did the DAPHNE programme.

95. The human rights of women included sexual rights and rights related to reproductive health. Effective equality between women and men as far as matters of sexual relations and reproduction were concerned must be ensured; women should be empowered to be responsible for their own sexuality. Access to relevant information and to health-care systems were a matter of primary importance. National policies in the field of sexual and reproductive health should take into account the special needs of adolescent girls.

96. The Union wished to highlight the important work being done by the High Commissioner for Human Rights on the integration of a gender perspective into the United Nations system. All the mechanisms and treaty bodies should continue to integrate a gender perspective into all their work. The same should go for all items of the Commission's agenda. He noted that the Treaty establishing the European Community undertook to promote equality between men and women, thus foreseeing mainstreaming as a general strategy.

97. The special session of the General Assembly, to be held in June, would provide an opportunity to evaluate the situation five years after the adoption of the Beijing Platform for Action and to reaffirm the commitment of all States to implementing the Platform. Together

with the Declaration, it had increased attention to women's rights and brought a new focus to the rights-based approach to gender equality. Five years later, however, new challenges had emerged and further initiatives should thus be pursued for gender equality. In that context, he drew attention to the phenomenon of globalization. The process of growing interdependence in all domains of life, particularly in the economy and the communication and information systems, offered new opportunities to women. Structural changes in society must occur, however, at the same pace as the march of globalization.

98. The time had come to make full acknowledgement of what was self-evident: that all gains in women's enjoyment of human rights contributed to the well-being of both women and men. The way ahead lay in weaving together the many threads of the human rights tapestry that were already in place.

99. Ms. DITLHABT-OLIPHANT (Botswana) said it had been hoped that the new millennium would make human rights violations, including gender-based discrimination, a thing of the past, but sex-based discrimination was still prevalent, despite the fact that gains had been made which had been deemed impossible not so long ago.

100. Since the Fourth World Conference on Women, her Government had established a multisectoral body to facilitate gender equality and advise on ways of removing all obstacles in law and practice. The National Policy on Women and Development aimed at empowering women in all spheres of life by promoting gender awareness in development planning and by improving women's reproductive health and reproductive rights. The National Council on Women was the highest advisory body, but women's NGOs also contributed to consolidating a united position on critical areas of concern.

101. The representation of women in decision-making areas, particularly in Parliament, had grown considerably. There had been a remarkable increase in the number of women at senior and middle management levels, both in government and in the private sector. A conscious effort to mainstream the gender perspective into all aspects of development was being made. More, however, needed to be done in other areas of the economy, particularly with regard to poverty reduction.

102. The educational curriculum had been made gender-sensitive. Boys and girls learned about the positive attributes and gender differences which were not only an integral part of a normal society but also enriched and empowered communities. The scourge of HIV/AIDS had brought into the open the issue of sex education and the need for young people to act responsibly. Armed with knowledge, they could be masters of their fate rather than ignorant victims of a deadly disease.

103. Dealing with violence against women in its various forms was a critical area in the development of women. Law-enforcement agencies and social welfare workers were being trained in awareness of the law, while the Penal Code had been amended to enable courts to impose more severe penalties for rapists. Sentences were even stiffer for those who committed the crime knowing that they were HIV positive.

104. Botswana was a party to the Convention and other human rights instruments. It commended the work of the Commission on the Status of Women. She expressed her delegation's abhorrence at the violations of the rights of women and girls in conflict areas all over the world. The international community should not only express its outrage at such acts but call for stern measures to be taken against the perpetrators.

105. Her delegation commended the work of the High Commissioner for Human Rights in mainstreaming the gender perspective into United Nations activities. The participation of women in United Nations mechanisms not only enriched the quality of debates but also contributed to a more balanced approach to development issues.

106. Ms. KUNADI (India) said that the adoption of the Optional Protocol to the Convention would become a key landmark in the field of women's rights. A long way had been travelled from the initial concept of the emancipation of women, but there was still far to go.

107. The notion that women's concerns formed the core concern of societies had been recognized only after the Fourth World Conference on Women, together with the understanding that many of the ills suffered by women could be redressed through their empowerment. In India, where more than 407 million women lived, her Government was committed to their empowerment through a constant focus on institutional and rights-based support, with special attention to the girl child. It was currently examining the recommendations of the Committee on the Elimination of All Forms of Discrimination against Women, following the submission of India's initial report.

108. The Department of Women and Child Development was the nodal agency within the Government charged with the task of advancing the development of women, particularly rural women. Other mechanisms were the National Commission for Women, a parliamentary committee for the empowerment of women, the Central Social Welfare Board and the National Women's Fund. The National Commission reviewed legislation, inquired into specific complaints of discrimination, suggested remedial action and provided an umbrella for the formulation of policies. The parliamentary committee acted as a watchdog and looked into the mainstreaming of gender concerns and programme planning. The Fund provided credit to needy women in the informal sector. The Welfare Board worked through more than a thousand voluntary organizations for the welfare of women. In addition, various ministries and departments had women's units dealing with gender mainstreaming and entrepreneurship development for women.

109. Another significant development had been the creation of women's cells in police stations in order to combat violence against women. Some police stations were entirely managed by women. The delivery of social services to women had also been improved. Gender-specific support services through village-level centres, called anganwadi, had spread throughout the country. At the local level, 33 per cent of seats in the village council or panchayats were reserved for women, an important affirmative action. Proposals for similar action at other levels, including the national Parliament, were under consideration.

110. The issue of violence against women continued to be a matter of serious concern. Public awareness was being raised and legislation against the social evil of demanding dowry had been progressively strengthened. Pre-natal sex-determination tests had been banned in order to discourage the abortion of female foetuses. Guidelines had been formulated to prevent sexual harassment in the workplace and a special programme had been launched to change societal attitudes to the girl child. A task force was also to be set up to review and strengthen all existing legislation and government schemes pertaining to the role of women in the national economy.

111. The new challenges that had arisen since the Fourth World Conference on Women included the impact of globalization, which could further marginalize women unless proactive policies, including social protection systems with gender mainstreaming, were implemented; the increasing population of aged women in both the developing and developed world; the increasing number of women in the labour market, which could exacerbate existing gender inequality and segmentation unless there were policies to increase opportunities for jobs and skill acquisition by women; and the inadequacy of health and social services for women, with 480 maternal deaths per 100,000 live births in developing countries.

The meeting rose at 1.05 p.m.

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COMMISSION ON HUMAN RIGHTS

Fifty-sixth session

SUMMARY RECORD OF THE 35th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 7 April 2000, at 3 p.m.

Chairman: Mr. SIMKHADA (Nepal)

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(a) VIOLENCE AGAINST WOMEN (continued)

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The meeting was called to order at 3.10 p.m.

CONSIDERATION OF DRAFT RESOLUTIONS AND DRAFT DECISIONS SUBMITTED UNDER AGENDA ITEMS 4 AND 5

Draft resolutions submitted under agenda item 4

Draft resolutions E/CN.4/2000/L.3/Rev.1 and E/CN.4/2000/L.12 (Strengthening of the Office of the United Nations High Commissioner for Human Rights)

1. The CHAIRMAN said that the United States had withdrawn its draft amendment (E/CN.4/2000/L.12) to draft resolution E/CN.4/2000/L.3/Rev.1.

2. Mr. RAJA NUSHIRWAN (Malaysia), introducing the draft resolution on behalf of the sponsors, said that it reaffirmed the need to strengthen United Nations human rights machinery on the basis of present and future needs. It also stressed that the Office of the High Commissioner was a common office and that its activities should therefore reflect the diversity of backgrounds. The Commission also welcomed the launch of Annual Appeal 2000, which, inter alia, encouraged dialogue and transparency. His delegation hoped that the draft resolution would be adopted by consensus.

3. Ms. IZE-CHARRIN (Secretary of the Commission) announced that the Netherlands, France, Japan, Sudan, Australia and Cameroon had become sponsors of the draft resolution, which had no financial implications.

4. The CHAIRMAN said that, if he heard no objection, he would take it that the Commission adopted draft resolution E/CN.4/2000/L.3/Rev.1 by consensus.

5. It was so decided.

6. Draft resolution E/CN.4/2000/L.3/Rev.1 was adopted by consensus.

7. Ms. RUBIN (United States of America), referring to paragraph 12 of the draft resolution just adopted, said that any wording which gave priority to one category of rights over another was fundamentally unbalanced. That was the meaning of the amendment which her delegation had intended to submit and which it had withdrawn in order not to destroy the consensus. She nevertheless invited delegations to respect the balance between human rights, in accordance with the Universal Declaration of Human Rights and the Vienna Declaration.

8. Ms. GLOVER (United Kingdom), referring to the content of paragraph 5 of the resolution adopted, said that it was not for the Commission on Human Rights to tell the Office of the High Commissioner what staffing policies to follow. Her delegation had nonetheless joined in the consensus.

Draft resolutions submitted under agenda item 5

Draft resolution E/CN.4/2000/L.2 (Question of Western Sahara)

9. The CHAIRMAN said that the draft resolution was a Chairman's text already agreed on by all members of the Commission. He therefore proposed that, as in previous years, it should be adopted without a vote.

10. It was so decided.

11. Draft resolution E/CN.4/2000/L.2 was adopted without a vote.

12. Ms. RUBIN (United States of America) said that, although her delegation had joined in the consensus on the Chairman's resolution on Western Sahara, it considered the text to be incomplete because it did not refer to the Security Council's latest resolutions on that question. The Chairman's statement must not set any sort of precedent for the Security Council's consideration of the question in New York.

Draft resolution E/CN.4/2000/L.4 (The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination)

13. Mr. FERNANDEZ (Cuba), introducing the draft resolution on behalf of the sponsors, which had been joined by Nigeria and Yemen, recalled that mercenary activities were a threat to the security and stability of States and the exercise of the right to self-determination.

14. In the second preambular paragraph, the following amendments should be made: the words "and international instruments adopted by" should be added after the words "the relevant resolutions", in the fifth line; and the words "inter alia, the Organization of African Unity Convention for the Elimination of Mercenaries in Africa" should be added at the end.

15. Ms. IZE-CHARRIN (Secretary of the Commission) said that Tunisia and Cameroon had joined the list of sponsors and that the draft resolution had no financial implications.

16. Mr. MENDONÇA EMOURA (Portugal), speaking on behalf of the European Union and associated countries, said that the European Union had reservations about the proposed text and regretted not having had an opportunity to discuss them in open consultations. It believed that the Commission on Human Rights was not the appropriate forum to deal with the problem of mercenary activity and that the High Commissioner for Human Rights should not be asked to give priority attention to that question or to divert resources to the organization of workshops on it. However dangerous they might be, mercenary activities were not strictly speaking a human rights problem and were not a threat to the right of peoples to self-determination. There was also no intrinsic link between terrorism and mercenary activities.

17. The European Union was of the opinion that the mandate of the Special Rapporteur on the use of mercenaries should be terminated and that the matter should henceforth be considered directly in the Sixth Committee of the General Assembly. It would continue to participate

actively in the appropriate forums in the discussion of ways to curb the threat posed by mercenary activity. He requested that draft resolution E/CN.4/2000/L.4 should be put to a vote.

18. *At the request of the representative of Cuba, a vote was taken by roll-call on draft resolution E/CN.4/2000/L.4.*

19. *Brazil, having been drawn by lot by the Chairman, was called upon to vote first.*

In favour: Argentina, Bangladesh, Bhutan, Botswana, Brazil, Burundi, Chile, China, Colombia, Congo, Cuba, Ecuador, El Salvador, Guatemala, India, Indonesia, Madagascar, Mauritius, Mexico, Morocco, Nepal, Nigeria, Pakistan, Peru, Philippines, Qatar, Russian Federation, Rwanda, Senegal, Sri Lanka, Sudan, Swaziland, Tunisia, Venezuela, Zambia.

Against: Canada, Czech Republic, Germany, Japan, Latvia, Luxembourg, Norway, Poland, Romania, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: France, Italy, Portugal, Republic of Korea and Spain.

20. *Draft resolution E/CN.4/2000/L.4 was adopted by 35 votes to 11, with 5 abstentions.*

Draft resolution E/CN.4/2000/L.5 (Situation in Occupied Palestine)

21. *Mr. SIDDIG* (Sudan), introducing the draft resolution on behalf of the sponsors, said that the text reaffirmed the right of the Palestinian people to have its own State in accordance with the provisions of the relevant United Nations instruments. His delegation appealed to the Commission to adopt the draft resolution by consensus in order to end the Israeli occupation and restore the inalienable rights of the Palestinian people, a *sine qua non* condition for the establishment of a lasting peace in the Middle East.

22. *Ms. IZE-CHARRIN* (Secretary of the Commission) announced that South Africa should be added to the list of sponsors and that the draft resolution had no financial implications.

23. *Mr. MENDONÇA EMOURA* (Portugal), speaking on behalf of the European Union and associated countries, welcomed the fact that the text of the draft resolution reaffirmed the inalienable right of the Palestinians to self-determination, including the option of a State. That balanced text did not prejudge the final status negotiations and the European Union could therefore support it. The European Union hoped that, during the year, a just, lasting and comprehensive peace could be achieved in the Middle East on the basis of international law and United Nations Security Council resolutions and in the interest of all peoples in the region. The European Union welcomed the Sharm-el-Sheik Memorandum, but noted with concern the delays in its implementation and that of other related agreements. The efforts being made by the parties to reach a negotiated solution would facilitate the exercise by the Palestinians of their right to self-determination, which was not subject to any veto.

24. The European Union was fully committed to the Middle East process and efforts to reach a negotiated settlement.

25. Ms. RUBIN (United States of America) said that the one-sided and unbalanced text of the draft resolution reflected past concerns and did not take account of the progress made in the Middle East. As in earlier years, her delegation did not believe that the Commission on Human Rights should have a role in the Middle East peace process. By continuing to do so, the Commission prejudged issues such as the status of Jerusalem and the question of Palestinian statehood that the parties themselves had agreed must be reserved for the permanent status negotiations. The fact that those negotiations were under way further highlighted the inappropriateness of the Commission's consideration of that issue.

26. The leaders of the region had shown the courage to make difficult decisions to achieve peace. The Commission should reject the outdated language of the proposed resolution and those which had preceded it and encourage the parties to continue their efforts to achieve the peace objective to which all aspired.

27. For those reasons, her delegation would vote against the draft resolution and urged other delegations to do the same.

28. At the request of the representative of the United States, a vote was taken by roll-call on draft resolution E/CN.4/2000/L.5.

29. Italy, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Bangladesh, Bhutan, Botswana, Brazil, Burundi, Chile, China, Colombia, Congo, Cuba, Czech Republic, France, Germany, India, Indonesia, Italy, Japan, Latvia, Luxembourg, Madagascar, Mauritius, Mexico, Morocco, Nepal, Nigeria, Norway, Pakistan, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Russian Federation, Rwanda, Senegal, Spain, Sri Lanka, Sudan, Swaziland, Tunisia, United Kingdom of Great Britain and Northern Ireland, Venezuela, Zambia.

Against: United States of America.

Abstaining: Argentina, Canada, Ecuador, El Salvador, Guatemala, Romania.

30. Draft resolution E/CN.4/2000/L.5 was adopted by 44 votes to 1, with 6 abstentions.

31. Ms. GERVAIS-VIDRICAIRE (Canada), speaking in explanation of vote, said that her delegation recognized the right of the Palestinian people to self-determination and did not rule out the possibility that a Palestinian State might be created, but considered that the question must be settled by negotiation between the parties concerned in the context of the Middle East peace process. It had therefore abstained in the vote.

32. Mr. SIM (Norway) said that, although his delegation had voted in favour of the draft resolution, it did have a reservation about the text. The reference to jus cogens in the sixth

preambular paragraph was inappropriate. The concept of jus cogens was not accepted in international law in general or in the particular context of the situation in occupied Palestine.

INTEGRATION OF THE HUMAN RIGHTS OF WOMEN AND THE GENDER PERSPECTIVE (continued)

(a) VIOLENCE AGAINST WOMEN (agenda item 12) (continued) (E/CN.4/2000/66, 67, 68 and Add.1 to 5, E/CN.4/2000/118-E/CN.6/2000/8, E/CN.4/2000/115, 128, 131, E/CN.4/2000/NGO/42, E/CN.4/2000/56, E/CN.4/2000/NGO/65, 87, and 119, E/CN.6/2000/6, E/CN.4/Sub.2/1999/14)

33. Ms. QI Xiaoxia (China) said that, as a result of the unremitting efforts made by the international community and by women themselves with a view to greater equality of rights between men and women, the status of women had improved considerably. Major progress had been made in education, economic independence and participation in public affairs. There was, however, still a great deal to be done. In particular, the poverty of women and violence against them had been increasing. It was essential for the international community to continue to take all the necessary measures to promote and protect women's rights.

34. First of all, it had to strengthen legislation on women's rights in order to establish a comprehensive legal regime for the protection of those rights. It also had to take effective measures to eliminate the poverty of women. Poverty was the main obstacle to the emancipation of women. In the past two decades, the number of women living in poverty had doubled. Poverty among women was especially serious in some developing countries and directly affected their right to development.

35. The international community must also try to solve the problem of violence against women, which was to be found at various levels: in regional conflicts, ethnic confrontations, local wars and at home. Since education was a key element in the emancipation of women, States must increase the training possibilities available to women. All measures on behalf of women must be taken in the context of international cooperation. In order to solve certain problems, such as the traffic in women and forced prostitution, cross-border cooperation was indispensable. Developing countries needed the economic, scientific and technological support of the international community to make progress in emancipating women. At the same time, the international community should promote the ratification and implementation of the Convention on the Elimination of All Forms of Discrimination against Women.

36. The Chinese Government had always attached great importance to the status of women. In 1992, it had promulgated the Law on Safeguarding Women's Rights and Interests in China and, in 1995, it had adopted the Guidelines on the Development of Women in China. In recent years, the State Council's Committee on the Work of Women and Children had played an active role in the implementation of those two texts, particularly by coordinating the activities of government institutions, local governments and non-governmental organizations.

37. Progress had been made all over the country in promoting and protecting women's rights. There had been a remarkable increase in women's participation in political life, the gap in education between women and men had narrowed and women's health had improved. Women

from poor families had been guaranteed a basic wage. The Chinese Government intended to continue to promote and protect the fundamental rights of women, particularly by implementing the Beijing Declaration and Platform for Action.

38. Mr. BELIZ (Observer for Panama), speaking on behalf of the Central American Group, said that those countries had taken an active part in the major conferences held by the United Nations in the 1990s, at which plans of action had been adopted, inter alia, on the need to integrate a gender perspective in the achievement of the objectives set. The World Conference on Human Rights, held in Vienna, and the fourth World Conference on Women, held in Beijing, had affirmed that the fundamental rights of women and girl children were an inalienable, integral and inseparable part of universal human rights. The efforts made at the international level had helped make States aware of that issue. The Central American countries had taken measures to promote women's rights in employment, education and health and to combat violence against women.

39. At the regional level, since the International Institute for Training and Research on the Advancement of Women (INSTRAW) had its headquarters in Central America, Panama and the other Central American countries supported the General Assembly's initiative of requesting a study on the capacity of the Gender Awareness Information and Networking System (GAINS). The study had shown that INSTRAW was a dynamic and innovative institution which had the capacity to make women's view points better known in international bodies, particularly by means of the new technologies which were changing the world economy.

40. The Central American countries were also contributing actively to the preparatory work for the special session of the General Assembly on the review and overall assessment of the Fourth World Conference on Women. They supported the regional efforts made at the meeting recently held in Lima to define Latin America's position on that issue.

41. As States parties to the Convention on the Elimination of All Forms of Discrimination against Women, the Central American States once again reaffirmed that they were committed to promoting equality between men of women in all areas. They had taken measures to eliminate discriminatory legislation and had encouraged the ratification of regional instruments for the protection and promotion of the rights of women, such as the Belém do Pará Convention, which had served as a basis for the amendment of national laws.

42. In political terms, there were more and more women in Latin America who held responsible posts in the Government, political parties, local government, trade unions and organs of civil society. In that connection, Mrs. Mireya Moscoso had recently been elected President of the Republic of Panama and she was the second woman head of state of a Central American country.

43. The Central American countries were sparing no effort to eradicate poverty, which affected much of their population, particularly the female population. They reaffirmed their determination to work actively to eliminate discrimination against women.

44. Mr. HAMDI (Iraq) said that the fundamental rights of women were indissociable from human rights in general and that any action in that regard must be taken at the worldwide level. Iraq had made the emancipation of women one of the basic components of its social and cultural transformation.

45. The Iraqi Government, which had acceded to the Convention on the Elimination of All Forms of Discrimination against Women, had established a national programme of action based on the Nairobi forward-looking strategies and the Beijing Conference undertakings. With a view to the implementation of that programme, it had set up committees on the improvement of the status of women and encouraged the activities of women's NGOs.

46. Iraqi legislation contained no discrimination based on sex. Laws enabling women to enjoy the same economic, social, cultural and political rights as men had been adopted.

47. By causing infrastructures and the national economy to collapse, the continuing embargo against Iraq had unfortunately jeopardized the progress made. Its consequences had been disastrous for society as a whole and, in particular, for women. The food shortage and the lack of medicines and other basic products had had very negative effects on the health of women and their children. He therefore called for the lifting of the embargo so that Iraqi women might stop suffering unfairly and once again be able to play a key role in the family and in society.

48. Ms. PATERSON (New Zealand) said that the special session being organized to review progress in the five years since the Beijing Conference should go beyond a review of positive developments and highlight persistent and emerging problems for the implementation of the Platform for Action and the measures to be taken to solve them.

49. In view of the fundamental nature of the Convention on the Elimination of All Forms of Discrimination against Women, she invited countries which had not yet done so to ratify it as soon as possible. New Zealand fully supported the work of the Committee on the Elimination of Discrimination against Women and had decided to present Dame Silvia Cartwright for re-election to the Committee in 2000.

50. New Zealand welcomed the adoption of the Optional Protocol, which would help strengthen and protect the rights embodied in the Convention. New Zealand intended to ratify the Protocol very soon and she invited the States parties to the Convention to do the same.

51. New Zealand looked forward to the regional workshop on the role of national human rights institutions in the advancement of the fundamental rights of women, to be held with the support of the Fiji Human Rights Commission in Fiji in May 2000.

52. Recalling that the majority of victims of poverty continued to be women, she drew attention to the relevance for women of the Special Dialogue on Poverty and the Enjoyment of Human Rights.

53. New Zealand welcomed the various international, regional and national measures being taken to deal with the problem of the traffic in women and girls, including the organization, by

the Governments of the Philippines and the United States, of the Asian Regional Initiative against Trafficking in Women. It also reaffirmed its support for the Special Rapporteur on violence against women.

54. Ms. LINDSEY (International Committee of the Red Cross) said that ICRC had repeatedly expressed its concern about violence against persons who were protected under international humanitarian law, particularly women in armed conflicts, whether they were captured combatants or civilians.

55. Violence against women took many forms. One of the most painful consequences of armed conflict was that so many women remained without news of their relatives. That inability to know the truth had an enormous impact on survivors. Humanitarian law recognized the right of families to obtain information on the fate of missing persons. ICRC therefore urged States and the parties to armed conflict to inform families of the fate of missing persons.

56. The protection provided to women in armed conflict under humanitarian law was twofold: general protection equal to that enjoyed by men and special protection according to their specific needs. Such protection was provided for in the four Geneva Conventions of 1949 and their two Additional Protocols.

57. The issue of violence against women was of particular relevance to some current initiatives by ICRC. A study that would serve as a basis for the formulation of guidelines for the protection and assistance of women and girl children in armed conflict would be completed in 2000. During the International Red Cross and Red Crescent Conference held a few months previously, the ICRC President had renewed the organization's commitment in that regard. Sexual violence, which was a particularly heinous violation of international humanitarian law, had been a subject of special attention. States had a duty to ensure protection for all persons not taking part in hostilities.

58. ICRC was pleased to note that the Tribunals for the Former Yugoslavia and Rwanda, as well as the Rome Statute of the International Criminal Court, considered sexual violence a war crime. That was a significant development in the battle against impunity.

59. ICRC hoped that those recent initiatives would allow for the more effective protection of women, but the parties had to observe the rules and bring those who broke them to justice.

60. Mr. NGOUBEYOU (Cameroon) recalled that, in 1979, the international community, mindful of the magnitude of the inequality between men and women, had adopted the Convention on the Elimination of All Forms of Discrimination against Women, to which his country had acceded in 1994.

61. The question of the advancement of women and girls was a major challenge. It was therefore important that, at its high-level segment in 1999, the Economic and Social Council had placed the emphasis on the autonomy and promotion of women in the context of the eradication of poverty. His delegation also welcomed the adoption, at the fifty-fourth session of the United Nations General Assembly, of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

62. The General Assembly had decided that a special session to assess the progress made in the implementation of the Beijing Platform for Action should be held in June 2000. The Commission on the Status of Women had proposed new measures and initiatives to speed up the implementation of that Platform. In that connection, his delegation stressed the need to ensure that such measures helped to eliminate the adverse effects of globalization and structural adjustment plans on programmes for the emancipation of women.

63. Cameroon had established appropriate national machinery to promote the participation of women in development, especially by stressing the problems of women in rural areas. In 1997, the Government had adopted a political declaration and a multisectoral plan entitled "Women and development", which provided, inter alia, for the improvement of the living conditions and legal status of women, the full participation of women, action to combat violence against women, the reduction of disparities between the sexes and the inclusion of women's problems in development strategies.

64. Cameroon was of the opinion that the adverse effects of globalization could be counteracted by means of daring national policies and strong international cooperation.

65. Ms. CEK (Observer for Croatia) said it was encouraging that the international community had finally realized that violence against women was a violation of fundamental human rights which Governments had a duty to combat. Her country strongly supported the international measures taken to eradicate that problem and, in particular, the efforts being made by the Special Rapporteur on violence against women. That problem had received much public attention in Croatia, where such violence had increased in the past 10 years, partly as a result of the trauma caused by the war. The number of cases of domestic violence which were reported showed that public opinion was increasingly aware of that issue. That was mainly the result of the active work of non-governmental organizations, but also of increased efforts by the Government, which had, for example, set up a commission for gender equality issues that had drawn up the first National Plan of Action for Gender Equality a few years previously. That initiative had borne fruit. For example, the House of Representatives now had 21 per cent women, as against 6 per cent before.

66. There was still work to be done on Croatia's legislation. Although marital rape had been a criminal offence in Croatia since 1997, procedures had to be changed so that women could press charges more effectively. Work was also continuing on educating women themselves. They had to be informed of their fundamental rights and, in particular, of the unacceptable nature of family violence. The Croatian Commission on Equality Issues, which was composed of members of ministries and representatives of NGOs, intended to adopt new provisions to combat violence against women. In that connection, her delegation welcomed recent initiatives on behalf of women under the Stability Pact for South-Eastern Europe.

67. Ms. BU FIGUEROA (Observer for Honduras) said that her country had adopted legislation designed to reduce inequalities between men and women and increase the participation of women in the country's economic life. The proportion of women in the active population had thus risen to 36 per cent in 1999. With the Government's encouragement, the participation of women in political, economic and social life and their representation in professional organizations and associations in general had also increased.

68. The administration of justice had been reorganized in order better to defend and protect women. A special appeal court known as the Women's Prosecution Department had thus been established to receive complaints by women subjected to violence and discrimination and to facilitate their access to the courts.

69. The Government had also established the Women's Bureau, which was responsible for coordinating women's activities and integrating plans of action and guidelines for women in the country's development plan.

70. Having ratified the Inter-American Convention for the Prevention, Punishment and Elimination of Violence against Women, Honduras had enacted domestic legislation designed to protect the rights of women, protect them from violence and guarantee them equality.

71. Ms. BLOEM (World Federation of Methodist and Uniting Church Women), speaking on behalf of her own organization and 16 other NGOs and reiterating the appeal which the High Commissioner for Human Rights had made to States in her opening statement to the Commission, requested States to renew their commitment to implement the Platform for Action adopted in Beijing. In that connection, she welcomed the fact that some high-level personalities who had spoken as guests of the Commission had placed particular emphasis on the question of the fundamental rights of women. That was particularly true of Italy, Zambia, the United Kingdom, Finland, Guatemala, Pakistan and the European Union. She requested the Commission to mainstream gender concerns into the agenda, in accordance with the provisions of the resolution entitled "Integrating the human rights of women throughout the United Nations system".

72. As the Commission prepared for the Special Dialogue on Poverty and the Enjoyment of Human Rights, it must not forget that women accounted for the majority of the 1.5 billion persons mired in extreme poverty. As Ms. Tomasevski, the Special Rapporteur on the right to education, had said, education would enable girls and women to find jobs and become independent. She therefore requested the Commission to adopt a special resolution on the right to education which would take particular account of the situation of women. She also requested that the mandate of the Special Rapporteur on the right to education should be renewed. In some parts of the world, particularly in Africa, customs discriminated against women and condemned them to poverty by depriving them of social status. Her organization thus supported the adoption of a resolution on women and the right to land, property and housing.

73. Women had a role to play, on an equal footing with men, in maintaining peace and security throughout the world. It must not be forgotten that women and children constituted the majority of refugees and displaced persons. The Commission must take specific measures everywhere to bring women to the negotiating table.

74. It was deplorable that violence against women in all its forms, such as honour killings, rape, forced prostitution, dowry deaths, trafficking and sexual exploitation, continued to increase in all parts of the world despite growing awareness on the part of public opinion. In that connection, she expressed her appreciation for the high-quality work being done by Ms. Coomaraswamy, the Special Rapporteur on violence against women.

75. If the situation was to improve, systematic efforts had to be made so that men would become partners in overcoming violence against women. She called on the Commission and, in particular, its male members, to join in that battle.

76. Mrs. TANAKA (International Movement against All Forms of Discrimination and Racism), speaking on behalf of Anti-Slavery International and her own organization, said that trafficking in persons, which constituted slavery, occurred in all parts of the world. Discussions on a new international instrument on trafficking were now taking place in Vienna and were designed to combat the involvement of organized crime in such traffic. However, those discussions did not deal with basic issues such as the protection of the human rights of the victims of trafficking and the need to secure their release from the traffickers' control. That was the role of the Commission on Human Rights, which should take the lead in ensuring that the primary concern of States planning action against trafficking was the protection of the human rights of trafficked persons. She specifically suggested that the Commission should call on its thematic mechanisms to pay systematic and consistent attention to the issue of trafficking. She referred, in particular, to the Special Rapporteurs responsible, respectively, for violence against women, the sale of children and the rights of immigrants. They might be asked to provide information at the 2001 session of the Working Group on Contemporary Forms of Slavery. Long-term action was required in that regard. She therefore suggested that a United Nations year, or even a decade, against trafficking in persons should be adopted.

77. Mrs. BENINGER-BUDEL (World Organization against Torture - OMCT) said that, in the case of women, torture usually took the form of sexual violence and, because of fear and shame, the victims of that type of violence often remained silent, with the result that the torturers went unpunished.

78. She drew the Commission's attention to violence and discrimination against women by members of the armed forces in Mexico, especially in the States of Chiapas, Guerrero and Oaxaca. According to reports, many women had also been murdered in the north of Mexico near the border.

79. In Sri Lanka, Tamil women continued to be raped and murdered by Sri Lankan soldiers. Despite the peace agreement signed in Lomé in July 1999, rebel forces in Sierra Leone also continued to abduct, kill and force women and girls into sexual slavery. Although the peace agreement specified that all non-combatants were to be released, most of them were still missing and they were primarily women.

80. In their reports, the Committee against Torture and the Special Rapporteur on torture must indicate the sex of the victim and the circumstances of the torture, as well as the availability of remedies and reparation. OMCT also stressed the importance of the ratification of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and the Statute of the International Criminal Court. It would like the mandate of the Special Rapporteur on violence against women to be renewed.

81. Mr. ROSSI (International Association for the Protection of Religious Freedom) said that on 8 March 2000, women in 148 countries had loudly expressed their determination to react against oppression and discrimination and to fight for equal rights with men. The obstacles to

the achievement of that objective included, inter alia, traditions related to religion and, in particular, as the Special Rapporteur on religious intolerance had pointed out, religious extremism mainly targeting women. For example, the extremely difficult situation of women in Afghanistan was the result of the implementation of religious rules deriving from an extremist view of Islam. The Taliban applied Islamic law, the Shariah, with all the discrimination it involved, including the prohibition on the exercise of management functions by women, the obligation to wear the Islamic scarf and death by stoning in the event of infidelity. There were, however, prominent Muslim experts, such as Professor Mohammed Talbi of the University of Tunis, who had written Plaidoyer pour un islam moderne and who were fervent advocates of full equality between the sexes in all areas without exception. That was also the position of the representative of Guinea, who had said that, as an expression of the divine message, Islam proclaimed the equal rights of men and women. Tunisia, an Islamic country, could be cited as an example in that regard. The new Tunisian laws prohibited polygamy and provided for equality of rights between men and women in respect of inheritance, divorce, access to education and employment.

82. The Commission should request the leaders of the world's major religions to ensure that the equality of the fundamental rights of men and women was recognized and that their teachings were cleansed of extremism.

83. Ms. RAS-WORK (International Movement for Fraternal Union among Races and Peoples), speaking on behalf of her own organization and the Inter-African Committee (IAC) on Traditional Practices Affecting the Health of Women and Children, deplored the fact that, owing to the lack of concrete action by Governments, backward practices such as female genital mutilation, which was still prevalent in over 35 countries, and early childhood marriage continued to affect millions of girls throughout the world. The Inter-African Committee on Traditional Practices knew from experience how effective dialogue could be. For example, in countries such as the Republic of Guinea and Nigeria, it was the excisors themselves who had become active defenders of the integrity of the girl child. In other countries, such as Egypt, Gambia, Sudan and Ethiopia, religious leaders were advocating the eradication of that practice. Governments had adopted laws which made it illegal. Those laws still had to be enforced, however, and that was what the Inter-African Committee was requesting Governments to do. It was also appealing to other countries which had not yet done so to adopt such laws without delay.

84. At the regional level, the Organization of African Unity was, on the initiative of the Inter-African Committee on Traditional Practices, now examining a draft convention to prohibit, inter alia, female genital mutilation. At the international level, the Sub-Commission on the Promotion and Protection of Human Rights proposed, in its resolution E/CN.4/Sub.2/1994/13, that three seminars should be held in Africa, Asia and Europe, respectively, to assess the underlying factors which perpetuated traditional practices. She hoped that the Commission would adopt the Sub-Commission's recommendations.

85. Mrs. PELZOM (Rural Reconstruction Nepal) drew the Commission's attention to the situation of women in Bhutan, a country which had no Constitution, where the right to freedom of assembly and association was not recognized and where women could not assert their rights because they did not know they had any. A very small number of women had bureaucratic jobs,

but there were no women in top-level posts. The only women's organization was the National Women's Association of Bhutan, which was government-run. NGOs which defended the rights of women, such as the Bhutanese Women's Rights Organization (BWRO), operated from exile.

86. Of 100,000 Bhutanese refugees living in eastern Nepal camps, 50 per cent were women. In violation of the Convention on the Elimination of All Forms of Discrimination against Women, which the Royal Government of Bhutan had signed, those women had been expelled from the country on grounds of ethnicity, language, culture, religion and political convictions. In December 1992, Amnesty International had published a report on human rights violations committed against the Nepali-speaking population of southern Bhutan. It had reported many cases of women violated by members of the Royal Bhutanese Army. In a more recent report dating from January 1998, it had referred to the case of a woman who had been held in detention and denied access to medical care, something which it had characterized as cruel and inhuman or degrading treatment.

87. She requested the Commission to send a mission to Bhutan to assess the situation of Bhutanese women, regardless of their ethnic background.

88. Mr. TEHRANI (Organization for Defending Victims of Violence) said that, since the adoption of the Charter of the United Nations, the United Nations had played a positive role in promoting equality between men and women. It was the United Nations which had encouraged Governments to set themselves the objective of ensuring the full participation of women in development, particularly by guaranteeing their access to education. Despite the adoption of declarations, conventions, strategies and plans of action, however, women in many parts of the world were still discriminated against. The mass media did have an informative role to play, for example, by drawing attention to questions such as domestic violence and discrimination against women, particularly women migrants. That was, however, not enough. Greater emphasis must be placed on education and increased public awareness. Achievements and experience in education should be given more attention, for ignorance was one of the main factors which led to discriminatory behaviour towards women. In that regard, poor countries were in need of greater support. He therefore requested the Commission to take measures to help NGOs which were working to guarantee respect for the rights of women in the least developed countries.

89. Ms. FENG Yuan (Freedom House) said that women, children and elderly persons bore the brunt of the harsh suppression of the Falun Gong movement in China. Their only "crime" was to have exercised their rights to freedom of belief, expression and assembly, which were, however, embodied in China's Constitution and guaranteed by the International Covenant on Civil and Political Rights, which China had signed.

90. On 25 July, a young woman, Li Juhua, was raped by public security guards. The police had pressured a 31-year-old woman, Lu Yunzhen, to have an abortion because they had wanted to keep her in detention for a longer period of time. Since the beginning of the crackdown, at least 11 persons, including 5 women, had died as a result of torture. That was the case of a 60-year-old woman, Mrs. Chen, who had been arrested on 17 February in the city of Weihai. Mrs. Zhu Hang, who had been arrested on 30 August 1999, had been brutally tortured. She had been accused of "leaking State secrets" for having publicized photographs showing her tortured body. Her family did not know where she was.

91. Hundreds of members of the Falun Gong movement were also being held in psychiatric hospitals, where they were drugged and given shock treatment. Despite the horrors inflicted on members of the Falun Gong movement, they did not strike back because their practice was based on the universal principles of truthfulness, compassion and tolerance.

92. Ms. CERVANTES VASQUEZ (African, Asian and Latin American Peoples' Solidarity Organization) said that poverty, hunger and unemployment affected women more than men and that women were the main victims of structural adjustment policies. They were also the victims of gender-based discrimination in the areas of health, education and social welfare. Their situation was particularly dramatic in third world countries, where they suffered the consequences of the armed conflicts that were going on in many of them.

93. Women wanted to be fully involved in the formulation of macroeconomic and social policies to eradicate poverty and they wanted to be present in leadership bodies in order to achieve economic, political, social and cultural equality. They also wanted the concept of violence against women to be situated in its proper context, namely, the economic and social context, not only the sexual context. In that connection, her organization criticized the far too restrictive way in which the Commission on Human Rights dealt with that matter. It also rejected allegations that Cuban women were subjected to violence. Rather, it emphasized the efforts that Cuba was making, despite the embargo imposed by the United States, to promote respect for women's rights and guarantee them justice and equality. The women her organization represented had chosen a model which was not that proposed by Western capitalism.

94. Ms. HERNANDEZ FUENTES (National Union of Cuban Jurists) said that, according to the Cuban Constitution, all persons, regardless of race, skin colour, sex, national origin or religious belief, had equal economic, political, cultural, social and family rights. Equality between men and women was guaranteed in all areas: work, education, employment, social welfare and health. In Cuba, infant and maternal mortality rates were very low. According to the Family Code, the two spouses had the same rights and duties and jointly exercised parental authority. With regard to violations of physical integrity, the Penal Code provided that, if the person who had committed the violence and the victim were related, that was an extenuating circumstance. In Cuba, prostitution, which had disappeared, had reappeared in recent years in new forms, but it was not an offence. Labour legislation in general and the Maternity Act in particular contained many provisions protecting working women.

95. The laws protecting women and the family must, of course, be improved. As President Fidel Castro had said, even though Cuban women had not won justice in its entirety, they must preserve what they had achieved.

96. Mr. MAEDA (Japanese Fellowship of Reconciliation - JFOR) said that his organization had been actively combating violence against women for several years. It therefore supported the recommendations made by Ms. Coomaraswamy and Ms. McDougall in their respective reports (E/CN.4/2000/68; E/CN.4/Sub.2/1998/13 and Add.1). The two Special Rapporteurs were requesting that persons who had been the victims of military sexual slavery should be entitled to compensation from the State concerned and that the persons responsible for that type of violation should be prosecuted.

97. To date, the 200,000 women and girls enslaved by the Japanese Imperial Army during the Second World War had still not officially been compensated, no one had been prosecuted for those crimes and the Government had not officially recognized its legal liability, even though it had apologized for the violations of the rights of the so-called "comfort women".

98. In the update to her final report, Ms. McDougall had stressed that sexual violence continued to be used as a weapon of war in conflicts in Afghanistan, Algeria, Burma, Burundi, Colombia, the Democratic Republic of the Congo, Indonesia, Kosovo, Liberia, Sierra Leone, Sri Lanka and Uganda. It was therefore necessary to support the resolution in which the Sub-Commission called on States to enact legislation to allow for the effective prosecution of all acts of sexual violence committed during armed conflicts and for the compensation of the victims of such violence. JFOR also requested the Commission to consider the possibility of setting up an international truth and reconciliation commission to implement the recommendations made by Ms. Coomaraswamy and Ms. McDougall.

99. Ms. KHAXAS (Coalition of Activist Lesbians - Australia) said that she had been in a lesbian relationship with her German partner, Ms. Liz Frank, for the last nine years. Together, they had been raising her 15-year-old son, who had never known his father, who had died before the son had been born. The Immigration Selection Board in Namibia refused to grant Ms. Frank permanent resident status. In 1999, the High Court of Namibia had, however, held that gay and lesbian couples had exactly the same rights as heterosexual couples and that they could therefore live like a family and raise children. The Namibian Government had appealed that decision in the Supreme Court, which had not yet handed down its own ruling.

100. The President of Namibia had stated that homosexuals "exploited" Namibia's democracy and had to be condemned and rejected by society. A minister had said that homosexuals were ill. Another had stated that homosexuality was an unnatural disorder which was alien to the African culture. Such statements could only encourage violence against homosexuals. In almost 100 countries, there were laws which criminalized sexual relations between people of the same sex.

101. Her organization requested the Commission to break the silence which surrounded violations of the rights of homosexuals. She urged States to abolish all measures which discriminated against homosexuals, whether in criminal law or in the areas of immigration and family relations, as well as any incitement to violence and hatred against those persons.

102. Mr. KIRUPAHARAN (International Peace Bureau) said that, although Sri Lanka was proud to have a woman Prime Minister, the country was the scene of many violations of women's rights. For example, in the southern sector of the Jaffna Peninsula, the Sri Lankan army was holding 5,000 Tamil civilians, 80 per cent of whom were women and children, as human shields. ICRC and UNHCR must take urgent action to secure the safety of those civilians.

103. The Sri Lankan army also continued to use gang rape and the murder of women and girls as weapons of war. In the report she had submitted to the Commission's fifty-fifth session (E/CN.4/1999/68/Add.1), the Special Rapporteur on violence against women had drawn attention to nine cases of gang rape of Tamil women by members of the Sri Lankan armed

forces. Mr. Kumar Ponnambalam, who had produced documented evidence and medical-legal reports at the Commission's last session to denounce rapes by the security forces, had been assassinated.

104. His organization urged the Commission and the Special Rapporteur on violence against women to take active and vigorous measures to halt violence against women in Sri Lanka.

105. Mrs. LEVERGER (France-Libertés) said that her association was deeply concerned about serious violations of the rights to education, health, work and human dignity of Afghan women.

106. France-Libertés also drew the Commission's attention to the stoning of women, a practice which was still in force in some countries. According to Reuters, an Iranian court had sentenced a woman to be stoned for adultery on 18 October 1999. Cases of the stoning of women for adultery had been reported in the United Arab Emirates.

107. In Morocco, repudiation, polygamy, the way assets were shared by the spouses following divorce, the marriageable age of girls, illiteracy and the small number of women in the labour market were some of the violations of the rights of women which continued to slow down the country's development. France-Libertés was therefore concerned about the campaign being waged by a political-religious coalition against the plan of action for the integration of women in development in Morocco.

108. France-Libertés requested the Commission to take specific measures to halt violations of the rights of women in the above-mentioned countries.

The meeting rose at 6 p.m.

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COMMISSION ON HUMAN RIGHTS

Fifty-sixth session

SUMMARY RECORD OF THE 36th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 10 April 2000, at 10 a.m.

Chairman:	Mr. SIMKHADA	(Nepal)
later:	Mr. JAKUBOWSKI (Vice-Chairman)	(Poland)
later:	Mr. SIMKHADA (Chairman)	(Nepal)

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INTEGRATION OF THE HUMAN RIGHTS OF WOMEN AND THE GENDER PERSPECTIVE:

(a) VIOLENCE AGAINST WOMEN (continued)

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The meeting was called to order at 10.05 a.m.

INTEGRATION OF THE HUMAN RIGHTS OF WOMEN AND THE GENDER PERSPECTIVE:

(a) VIOLENCE AGAINST WOMEN (agenda item 12) (continued) (E/CN.4/2000/66, 67, 68 and Add. 1-5, /115, /128 and 131; E/CN.4/2000/118-E/CN.6/2000/8; E/CN.4/2000/NGO/42, 56, 65, 87 and 119; E/CN.6/2000/6; E/CN.4/Sub.2/1999/14)

1. Ms. ECKEY (Norway) said that her delegation hoped there would be extensive and speedy ratification of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, which promised to be an important human rights instrument. It also called on the States parties to withdraw any reservations to the Convention that were contrary to its object and purpose.

2. Genuine democracy could not be achieved without the active and equal participation of women and men. Norway was trying to close the gap, partly through legislation and partly by encouraging voluntary action to increase women's participation in public life. The Gender Equality Act, for example, had used affirmative action to bring women from diverse backgrounds into politics and onto public committees, thereby strengthening democracy and improving the use of human resources. Women had also added new topics to the political agenda, including the issues of violence and the organization of paid and unpaid work. That, in turn, had had an impact on policy.

3. Civil society, particularly in the form of non-governmental organizations (NGOs), had also made significant contributions to the enhancement of democracy. In that context, the follow-up to the Declaration on human rights defenders was of great importance.

4. Her delegation was pleased to note that human rights mechanisms, including the Commission, were increasingly incorporating the gender perspective in their work. The forthcoming follow-up to the Fourth World Conference on Women would be an opportunity to assess what remained to be done to advance women's rights. Women themselves had a vital role to play in implementing the Beijing Platform for Action and must intensify their efforts if they were to move from platform to action.

5. Ms. RUECKER (Canada) said that the adoption of the Optional Protocol to the Convention, which would permit the Committee on the Elimination of Discrimination against Women to consider individual complaints, had fulfilled the commitments made by Governments in Beijing. Two other significant milestones had been the adoption by the Human Rights Committee of its general comment No. 28, requiring States parties to ensure the equal right of women and men to the enjoyment of the rights set forth in the International Covenant on Civil and Political Rights, and the establishment of the International Criminal Court, whose Statute included a detailed list of sexual and gender-related crimes. Legislation had recently been tabled in her country to allow for full implementation of the Statute.

6. The problem of trafficking in women presented a complex challenge to all countries and her delegation welcomed the High Commissioner's identification of trafficking as a priority

theme. It encouraged all Governments to intensify negotiations on the draft protocol to prevent, suppress and punish trafficking in women and children, supplementing the draft United Nations convention against transnational organized crime.

7. The field missions undertaken by the Special Rapporteur on violence against women and other special rapporteurs were of great importance. The Commission must remain committed to the continuation of their work and her delegation would be calling for an extension of the Special Rapporteur's mandate.

8. Her delegation was encouraged by the increasing collaboration between the Commission on the Status of Women and the Commission on Human Rights, and urged all relevant actors to implement the recommendations of the joint workshop held in May 1999 on gender integration into the human rights system.

9. The successful integration of the gender perspective was still hampered by an absence of gender-specific information and sex-disaggregated data. Governments could help redress the gender balance in United Nations activities by including more women in their delegations and identifying more women as candidates for United Nations posts.

10. Ms. COOMARASWAMY (Special Rapporteur on violence against women), introducing her report (E/CN.4/2000/68 and Add. 1-5), said that the single most dramatic development of 1999 had been the increase in the reporting of honour killings. The crime was an ancient one, based on the assumption that a woman's behaviour reflected on the family and the community. It was the most intimate of all crimes, since it was a woman's own family members who executed her in cold blood.

11. Many States had not taken firm action against such extrajudicial killings. Countries that failed to recognize the principles of the Convention on the Elimination of All Forms of Discrimination against Women violated international standards and those that allowed violence towards women who were exercising their right of choice were flagrantly violating the rule of law and encouraging impunity for the perpetrators.

12. Her main report focused, however, on the issue of the trafficking of women. The debate thereon had been confused by the existence of two schools of thought - one that emphasized the objectives of trafficking and another that focused on the process of trafficking, regardless of its purpose. The second approach appeared to be the more effective, in that it made a distinction between migration, which was a choice, and trafficking, which was non-consensual. What the international community must prevent was the involuntary passage of people across boundaries and she was concerned that immigration and law-enforcement officers, rather than human rights defenders, had taken the lead in defining the terms of the debate on trafficking.

13. She hoped that her report would contribute to the discussion on the definition of trafficking, as the non-consensual crossing of borders by individuals. She was concerned, however, at the apparent link between restrictive immigration policies and the trafficking phenomenon. Such policies played into traffickers' hands by marginalizing women who were already vulnerable. Where there was scope for legal migrant work, the necessity for illegal migrant work diminished.

14. Trafficked women were frequently treated as illegal immigrants rather than as victims of a crime, who deserved understanding and support. The threat of jail and deportation made them fearful of approaching the authorities. A more enlightened approach, such as the one adopted in Belgium, would allow them to remain in the country, supported by women's groups, in order to testify in cases of trafficking. Her report examined human rights-based strategies that could be used in addressing the issue.

15. An addendum to the main report dealt with violence and hardship experienced by women as a result of the economic and social policies adopted by States, often pursuant to advice from international financial institutions (E/CN.4/2000/68/Add.5). The report was not a critique of economic development but an appeal for countries to take economic and social rights as seriously as political and civil ones.

16. Of her four field visits in 1999, the one that had shocked her the most was her mission to Afghanistan (E/CN.4/2000/68/Add.4). She had found official, widespread and systematic discrimination against women, exacerbated by poverty and war. Inhuman edicts against women were enforced through physical violence by members of the Department of Virtue and the Suppression of Vice. Women were denied the right to education, health and work, and freedom of movement or association. She had been told that things were improving, but the changes were paltry and the international community must do all it could to ensure that the authorities in Afghanistan observed minimum standards of women's human rights.

17. She had also visited Cuba, at the Cuban Government's invitation, and had been impressed by the situation there. Her report (E/CN.4/2000/68/Add.2) attempted to enter into a constructive dialogue on approaches to violence against women. She had also been concerned about arbitrary detention and civil and political rights. Her report also requested further international investigation of the United States embargo, which appeared to violate the economic and social rights of Cubans.

18. She had therefore been amazed and saddened by the Cuban Government's reaction to the report, a reaction that was quite disproportionate to the criticism it contained. The attack on members of the secretariat and the procurement of confidential internal documents was quite unprecedented and quite unwarranted. She stood by the integrity of her assistants and took full responsibility for the report.

19. In Haiti, she had met women's organizations and victims of political violence (E/CN.4/2000/68/Add.3). It was important that an international presence should remain in Haiti until the country's own police force was fully trained. She hoped that the Government would implement the recommendations of the Truth and Reconciliation Commission, punish the perpetrators of human rights violations, such as the political rapes that had taken place under the Cedras regime, and compensate the victims.

20. Lastly, she paid tribute to her late colleague, Dr. Neelan Tiruchelvam, an internationally-renowned human rights activist who had been killed by a suicide bomber in 1999. A tireless crusader for non-violence, he had actively supported her in carrying out her mandate.

His death was a stark reminder of the importance of protecting human rights defenders, whose activities contributed to the very essence of the Commission's work. She urged the Commission, therefore, to adopt the draft resolution on the protection of human rights defenders.

21. Ms. de ARMAS GARCIA (Cuba) said that her delegation wished all the members of the Commission to understand the circumstances surrounding the Special Rapporteur's mission to Cuba.

22. Referring to the comments by her Government on the Special Rapporteur's report on her visit to Cuba (E/CN.4/2000/131), she said that the United States Government had attempted to obstruct visits to Cuba by Commission special rapporteurs and, when such visits had taken place, to influence the outcome, using various means including behind-the-scenes manipulations within the Office of the High Commissioner for Human Rights (OHCHR), in blatant violation of the neutrality and respect for the independence of the thematic mechanisms that was expected of the Secretariat.

23. The fact that the first version of the report had been submitted to the Cuban authorities only after a six-month delay, and when it was on the point of publication, had given the Government further cause for concern.

24. The Special Rapporteur had been given full access to all information sources and to the highest authorities, yet she appeared to have given more credence to external reports, without further documentation or verification on the ground. The Government of Cuba totally rejected the contents of paragraphs 9, 14, 66, 67, 79, 95 and 104 of the report as based on false information or ideological positions that elevated the liberal democratic bourgeois view of human rights to a universal truth.

25. Nevertheless the report acknowledged the progress achieved by Cuban women as a result of the 1959 revolution and noted the impact of the United States' economic, financial and trade embargo on Cuba, which amounted to a kind of ongoing violence against Cuban women and a gross violation of all their rights. The report had failed to consider, however, other kinds of violence against Cuban women, such as the hostile policies of successive Governments of the United States that had resulted in the death and permanent disability of hundreds of Cuban women of all ages.

26. In developing its policies, programmes and legislation for the advancement of women, Cuba would take account of those comments and recommendations in the report that referred to objective problems, and of the legitimate suggestions made by the Special Rapporteur.

27. Mr. ANTONIO (Observer for Haiti) said that his delegation wished to thank the Special Rapporteur on violence against women for her visit to Haiti and for her report (E/CN.4/2000/68/Add.3), which was both clear and objective.

28. As the Special Rapporteur had stressed, the situation of women in Haiti must be improved in terms of both new legislation and the implementation of existing laws. Efforts were being made, in cooperation with women's associations, but much remained to be done, above all

with regard to the training of civil servants. His Government had noted the Special Rapporteur's observations and recommendations and would take them into account in its work to improve the situation of women and girl children.

29. Ms. ARCA (Rapporteur of the Committee on the Elimination of Discrimination Against Women) said that the Convention on the Elimination of All Forms of Discrimination against Women had been adopted 20 years previously, and it was gratifying to observe the steady increase in the numbers of States that had ratified it or acceded to it. She urged the remaining 27 countries to do so without delay, so that the goal of universal ratification could be achieved by the end of 2000.

30. The Convention continued to be subject to a large number of reservations but progress was being made in that regard. The General Assembly had reiterated the call for States to limit the extent of any reservations to the Convention and ensure that no reservation was incompatible with international treaty law. It had also urged the States parties to review reservations regularly, with a view to their withdrawal. In fact, a number of States parties had withdrawn or limited their original reservations to the Convention.

31. To date, 34 States parties had signed the Optional Protocol to the Convention. The Optional Protocol established two procedures: an individual communications procedure and an inquiry procedure. The former allowed anyone claiming to be the victim of a violation of any of the rights in the Convention to submit a petition, while the latter allowed the Committee to institute inquiries into such violations by a State party. No reservations to the Protocol were permissible, although it was possible to opt out of the inquiry procedure.

32. The Optional Protocol represented a careful balance between comparable communications and inquiry procedures and new developments in international law. It had introduced a number of innovations, such as in articles 11 and 13, which required States parties to ensure that individuals under their jurisdiction were not subjected to ill-treatment or intimidation as a consequence of communicating with the Committee.

33. It was expected that the number of ratifications needed for the Protocol's entry into force would soon be reached. Its entry into force would impose major new responsibilities on the Committee, but would provide an international remedy for violations of human rights and encourage Governments to examine the means of redress that were available to women at the domestic level, the latter being regarded as the most important contribution it would make.

34. The Committee's relationship with OHCHR and the human rights mechanisms had continued to strengthen. It was pleased to note that gender concerns were increasingly reflected in the work of the human rights mechanisms, and had welcomed the recent adoption by both the Human Rights Committee and the Committee on the Elimination of Racial Discrimination of general comments on women's enjoyment of the rights monitored by those bodies. She wished to highlight the Committee's interest in the forthcoming World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance: the negative impact of discrimination against women on the grounds of race as well as sex had become increasingly apparent. The Committee had therefore determined that it would follow closely the preparatory process for the Conference.

35. The Committee was entering an important new phase in its development. Since 1997, it had been able to meet twice yearly, and had developed and consolidated its working methods. As the body established to monitor the relevant international legal standards, the Committee would continue to work in order to ensure women's advancement and their full enjoyment of human rights. It acknowledged the support it had received from the Commission on Human Rights, and would continue to work cooperatively with the Commission and OHCHR to ensure that women and girls in the new century could take advantage of an integrated framework of human rights protection and promotion.

36. Mr. GUEYE (Senegal) said that the current review of implementation of the Beijing Platform for Action showed that relatively little progress had been made in promoting women's rights. As the Secretary-General had stated in his report (E/CN.6/2000/PC/2), the decade of the 1990s had been characterized by profound political, social and economic changes, many of which had impacted negatively on women. Vigorous measures must be adopted to promote and protect the rights of women through the effective application of all the relevant human rights instruments, and, in particular, the Convention on the Elimination of All Forms of Discrimination against Women.

37. National Governments had the primary responsibility for implementing the conclusions and recommendations of the Beijing Conference. His own Government had, to the extent to which it was able, made every effort to implement a national policy for the promotion and protection of women's rights. Senegal had ratified the main international human rights instruments, including the Convention, and had been one of the first countries to sign the Optional Protocol. The process of harmonizing domestic legislation with the provisions of the Convention was in course and Senegal was endeavouring to improve women's access to all professions, strengthen the principle of gender equality in its Constitution and promote the activities of women's organizations.

38. Under a recent law, female genital mutilation had been criminalized. Information campaigns had been conducted, and the practice had been forsworn in many villages. It would take time, but he was optimistic that that harmful practice would eventually be eliminated.

39. The political will to translate into reality the commitments undertaken in Beijing five years previously did exist. National institutional mechanisms would be improved so as to take account of the gender dimension in all aspects of national policy. His Government was determined to continue and strengthen its training programme and remained committed to the fight against poverty and its feminization. Nevertheless, much remained to be done to make the principle of equality between the sexes a reality, and resources must be mobilized to finance ambitious national plans. He was confident that the preparatory committee for the special session of the General Assembly would take due account of all the constraints, with a view to accelerating implementation of the Platform for Action.

40. Mr. CHOWDHURY (Bangladesh) said that the Constitution of Bangladesh guaranteed women the right to equality. Macroeconomic strategy was designed to address specific women-related problems and policy was directed towards mainstreaming such problems into socio-economic and political activities. As a result, society in Bangladesh was being rapidly transformed and modernized. Women were at the forefront of many income-generating

activities and demonstrated that, given the opportunity, they were only too ready to enjoy their rights. He was proud to say that some of the highest offices in the land were occupied by women.

41. A national action plan had been established to monitor, coordinate and facilitate women's development programmes. Education for girls was a high priority and was free to grade 9. At national and local levels, programmes had been launched with a view to enhancing the nutritional and health standards of women and expanding their employment opportunities. A percentage of positions in public institutions was reserved for women. A large number of NGOs were making excellent contributions to women-related matters.

42. To protect women from violence, a set of legal and administrative measures had been introduced. Bangladesh had been, until very recently, a traditional society, and changes of such magnitude occasionally provoked intolerance or violence, but such reactions were not socially acceptable. The Special Rapporteur on violence against women had been invited to visit Bangladesh, and it was expected that a constructive dialogue would be held with her.

43. His delegation had played a key role in formulating the draft SAARC convention on preventing and combating trafficking in women and children for prostitution. He welcomed the current negotiations on the elaboration of a convention against transnational crime and the proposed protocols thereto, and, in particular, the protocol to prevent trafficking in persons. He hoped that those and related issues would be appropriately addressed at the forthcoming special session of the General Assembly.

44. Mr. GARCIA GONZALEZ (El Salvador), having endorsed the statement by the observer for Panama on behalf of the Central American Group, said that his Government had demonstrated the importance it attached to implementing the Nairobi and Beijing commitments, and had given the Salvadoran Institute for Women's Development (ISDEMU) responsibility for coordinating, evaluating and implementing the national policy. One of the most important strategic objectives of that national policy was the elimination of violence against women. In that regard, a number of steps had been taken, including advertising campaigns, the provision of permanently available support through a family relations programme, a free telephone helpline available 24 hours a day and every day of the year, training programmes for health, police and other personnel in dealing with victims of domestic violence or sexual attacks, and the adoption of laws for the protection of the victims of domestic violence.

45. El Salvador had ratified the relevant international and regional conventions, and would probably sign the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women in the near future.

46. His delegation attached great importance to the preparatory work carried out by the Commission on the Status of Women in its capacity as the preparatory committee for the forthcoming special session of the General Assembly. It had thus much appreciated the statement made by the Chairperson of that Commission. It also appreciated the report presented by the Special Rapporteur on violence against women (E/CN.4/2000/68). He noted with

satisfaction the support given by the international community to the revitalization of the International Research and Training Institute for the Advancement of Women (INSTRAW), and hoped that the Institute would be allocated the resources needed for its work.

47. The special session would provide an opportunity to reflect on practical ways of achieving the objectives and implementing the commitments of the Beijing Platform for Action. The Commission on Human Rights had an important part to play, not only in promoting the integration of women's rights, but also as a forum in which gender equality, development and peace for the twenty-first century could be actively promoted. It was therefore essential that the Commission should be closely involved in the follow-up to Beijing + 5.

48. Mrs. NASCIMBENE DE DUMONT (Argentina) said that violence was one of the most flagrant violations of women's human rights and posed a permanent obstacle to women's development. All States must therefore work to eliminate such violence, which could take many different forms.

49. Her Government had done much to improve the status of women, and, with the constitutional reform of 1994, various human rights instruments had been incorporated into the Constitution. Any practices detrimental to the improvement of women's social and legal status were thus unconstitutional.

50. Domestic violence was one of the most common violations of women's human rights. That problem was being addressed at every level of Argentinian society. Legislation on domestic violence allowed victims to seek redress for and protection against such violence. An interdisciplinary body of professionals provided technical assistance, and information and help centres had been set up to provide help in combating the problem.

51. Trafficking in women and children was addressed by several United Nations forums. Nevertheless, better coordination and more sustained action was required at the national, regional and international levels to deal with that crime. Her delegation was actively involved in drafting the relevant protocol. With regard to sexual abuse, her country's Penal Code had recently been amended so as to incorporate that concept and increase penalties for such crimes.

52. The work done by the National Council of Women in Argentina was inestimable. It had done much to promote a new kind of social contract based on the full and equal participation of women in political, economic and cultural life. With a view to making new policies more effective, the Council sought to work with the widest possible range of organizations of civil society. Governments and societies alike must continue to build up families, communities and States in which the rights of women were fully respected, where women were not forced to endure any type of violence and where they were able to play a full and effective part in the decision-making process and in planning for the future.

53. Mr. RAMCHARAN (Deputy High Commissioner for Human Rights) said that the Office of the High Commissioner for Human Rights (OHCHR) wished to place on record a number of observations with regard to the comments of the Cuban authorities contained in document E/CN.4/2000/131. First of all, OHCHR maintained scrupulous objectivity with regard to all Member States, including Cuba. Secondly, OHCHR considered that the staff member

named in the Cuban note had acted in good faith and with integrity. Thirdly, the report of the Special Rapporteur contained many sections favourable to the Cuban authorities, thereby bearing out the objectivity of the Special Rapporteur and her staff. Fourthly, the acquisition and use of internal correspondence in the manner demonstrated in the Cuban comments raised issues of principle and propriety that called for further examination. OHCHR had sought legal advice on the matter from the Office of Legal Affairs, which had been shared with the Permanent Mission of Cuba.

54. Mr. TANDAR (Observer for Afghanistan) said that, before the military occupation of Kabul by the Taliban in September 1996, the situation of women in Afghanistan had been steadily improving over the years. With the advent of the Taliban, however, their lives had turned into a nightmare. Thousands had been forced to leave school or university. Female teachers at mixed schools had had to leave their jobs. Access to hospitals had been barred, even though the infant and maternal mortality rate was one of the highest in the world. Public baths for women had been closed, although their towns had no running water. Women were confined to their homes and had to wear the chador. If they infringed any rule, they received a public beating. A law had been passed banning drivers from carrying women passengers who were not wearing a chador. Other laws forbade women to wash clothes in rivers and tailors to make women's clothes.

55. All such action was taken on political and ideological grounds. The head of the Taliban had recently said that women belonged in the home. They were weak and vulnerable to temptation; if allowed out of the house unsupervised they would seek to satisfy their desires. Working among men was the first step to prostitution. Another leader had said that, whereas elsewhere women were forced to work, in Afghanistan they stayed at home and were served by men. God had ordained that they should stay at home; requiring them to work was an attack on their rights.

56. He urged the international community to help the millions of Afghan women for whom the extremism and fanaticism of the Taliban had made life unbearable. The Taliban should be made to understand that there was no place in the community of nations for those who violated women's rights.

57. Mr. Jakubowski (Poland), Vice-Chairman, took the Chair.

58. Ms. VILLALOBOS (Chile) said that the Optional Protocol - of which Chile had been the first signatory - was the latest in the series of instruments to promote and protect women's human rights. The international community must, however, continue to be vigilant, since there were still serious obstacles to be overcome. Her delegation was actively committed to mainstreaming the gender perspective into all United Nations activities and would be submitting a draft resolution to that effect.

59. The ultimate responsibility for eliminating discrimination against women lay with Governments. Democratic Governments in Chile over the past decade had assumed that responsibility. The National Women's Service, which promoted equal rights and opportunities for men and women through intersectoral coordination and developed special programmes for priority groups, had been established in 1991. The current Government had strongly encouraged

participation by women in public decision-making: women ministers made up a third of the cabinet, holding the portfolios of Foreign Affairs, Health, Education, Planning and the National Women's Service. Similar proportions of posts at under-secretary level and of heads of administration in regional governments were occupied by women.

60. Equality between men and women had been made explicit by the Constitution and it had thus become possible to resort to the law in cases of discrimination. In 1995, the first law on domestic violence had been passed, relating to any ill-treatment affecting the physical or mental health of the victim. In 1998, legislation had been adopted recognizing the legal equality of children born in and out of wedlock, thus ending the legal discrimination against "illegitimate" children and acknowledging the existence of different types of family.

61. Ms. RYAN (United States of America) said that the NGO community, of which she was an active member, did not always agree with the Government, but the nature of the interaction benefited both parties.

62. The creation of the post of High Commissioner for Human Rights had been an important step forward in strengthening the United Nations human rights machinery. With better fact-finding and reporting mechanisms, however, the High Commissioner could address human rights violations more quickly, thus potentially preventing violent conflicts and massive human rights failures. Many believed that a greater share of the United Nations budget should be allocated to investigators in the special mechanisms and treaty bodies, who were often best situated to identify impending crises.

63. Such matters were of particular importance to women, because their specific needs were often neglected in times of conflict. Indeed, women and children made up some 80 per cent of the world's 30 million refugees. The lesson had been learned that the promotion and protection of women's human rights must be central to both international and national approaches to development. Unfortunately, progress had been slow in many countries. Where women had begun to gain positions of influence, however, the laws and customs of their countries had begun to change; it was thus clear that democracy was essential to the realization of women's universal human rights.

64. Her delegation strongly condemned the violations of women's human rights in Afghanistan, where, although some small improvements had been made, most women were still prevented from working outside the home or from receiving most types of education. That country would never achieve its potential if half the population was kept in chains.

65. Another major challenge to the world community was how to stop harmful traditional practices. One of the worst was female genital mutilation, to which between 115 and 130 million women had been subjected, with some 2 million more at risk every year. Women in the affected countries must be helped to put an end to the practice and local NGOs campaigning against it must be supported.

66. "Honour killing" - when women were killed by relatives who accused them of bringing shame to the family - was another reprehensible traditional practice, yet many such killings escaped prosecution. Governments must accept their responsibility and recognize such murders for what they were.

67. Activists and Governments must also work together to halt the loathsome practice of trafficking in persons. Few countries were free from it and serious efforts should be made to combat the crime everywhere. Progress must be made on the draft international convention against organized transnational crime and the protocol to prevent, suppress and punish trafficking in persons, especially women and children.

68. Nonetheless, the movement to implement women's right to vote kept growing. It was pleasing that Qatar had acknowledged women's right to vote and stand for office during the municipal council elections in 1999. The same had been proposed in Kuwait, but the effort had failed. The United States had close and friendly ties with other Gulf States and, in that context, her delegation urged Saudi Arabia to ease its restrictions on women. The benefits of doing so were very clear.

69. In her country the Government had sponsored a number of programmes to help women. One of the most important was the Vital Voices Initiative, a programme that brought women together all over the world and helped them learn skills. Another was the President's Directive on steps to combat violence against women and trafficking in women and girls, which had a three-tiered strategy of prevention, protection and prosecution. Domestic violence laws were being strengthened at the local, state and federal level; funding was also being provided for multi-disciplinary programmes addressing domestic violence in the former Soviet Union, Central Europe and South Asia. Other programmes supported locally initiated women's health projects to raise awareness concerning female genital mutilation in a number of countries where it was practised.

70. Mr. Simkhada (Nepal) resumed the Chair.

71. Mrs. RUSTAM (Indonesia) said that significant progress had been made in the protection and promotion of women's rights in her country. Her Government strongly supported mainstreaming of the gender perspective and welcomed the OHCHR initiatives particularly its cooperation with the Division for the Advancement of Women. Such cooperation should be extended to other relevant bodies of the United Nations system.

72. In that connection, she drew attention to the need for all United Nations bodies, especially the treaty bodies, to achieve equitable gender representation. Women were totally absent from some committees. Equal representation should be achieved and gender training provided for members of the treaty bodies. With regard to the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child, her delegation had always maintained that reservations should not be allowed to impede the implementation of such important legal instruments. She added that her Government had recently signed the Optional Protocol.

73. The events of recent years had brought about considerable progress towards a more transparent and participatory democratic Government in her country. As in most periods of uncertainty and transition, however, there had been problems, including human rights abuses. The Government was launching numerous initiatives to promote and safeguard the rights and well-being of women. It would investigate all allegations of abuse of their rights and would uphold the rule of law.

74. In November 1999, it had adopted a National Action Plan to implement its "zero tolerance" policy on violence against women. That had been preceded, in October 1998, by the establishment of the National Commission on Violence against Women, established by presidential decree in the aftermath of the May 1998 riots. A fact-finding team had also been established to investigate incidents of violence against women, including rape, at that time.

75. Women judges were to be appointed to preside over cases involving violence against women, including rape. Police stations in several provinces had established special units, partially staffed by women officers, to process information on violence against women. Legal aid agencies were also becoming more aware of women's needs.

76. The Government would shortly be forming a national task force, made up of the National Commission on Violence against Women, the National Committee for the Protection of the Rights of the Child and representatives from the Government, parliament, the media and NGOs, to follow up the implementation of the Optional Protocol to the Convention.

77. Mrs. MBONU (Nigeria) said that it had been heartening to hear the statements by government representatives at the forty-fourth session of the Commission on the Status of Women on their countries' achievements in enhancing women's rights as a result of the Beijing Platform for Action. The areas of progress included healthier living, greater access to good nutrition, higher employment, greater awareness at national level of women's rights and the designation of rape in conflict situations as a war crime. The special session of the General Assembly would take the process a step further forward.

78. There had been a number of achievements in her country. With the establishment of the federal Ministry of Women Affairs and Youth Development, gender perspectives had been incorporated into all aspects of national life. The Ministry had been most active. Gender and development advocacy programmes had been introduced, targeted at policy-makers, legislators, traditional and religious leaders, law-enforcement officials, women and young people; a baseline country survey on harmful traditional practices had been conducted. There had been a substantial reduction in such practices, owing to the campaign by the Ministry and relevant NGOs. A workshop on violence against women had been held in 1999 to educate law practitioners on issues arising from the tripartite system of laws. A national workshop for female opinion-moulders, NGOs and other stakeholders had also been organized to educate them on their human rights. A campaign to sensitize the community to the need to educate the girl child, especially in rural areas, was under way.

79. It was regrettable that, despite the efforts made by the developing countries to implement the Beijing Platform for Action, obstacles still existed. Globalization could generate greater wealth, but in practice it widened the gap between the poor and the rich, most of the victims being women and children living in developing countries.

80. Another challenge facing women from developing countries was the HIV/AIDS epidemic, since women were twice as likely as men to fall victim to the disease. Only partnership and cooperation between the developing and developed countries could control the tragedy, to which many African women of productive age were falling victim. The reduction of infant and maternal mortality was being wiped out by the effects of the epidemic.

81. All Nigerian citizens were guaranteed equal treatment under the law and special affirmative measures had been adopted to promote the empowerment of women. Women had always played an active role at all levels of political decision-making in her country.

82. Regrettably, women throughout the world continued to face discrimination and violence, such as trafficking, marital rape and harmful traditional and cultural practices such as the disinheriting of female children, the forceful inheritance of a widow by the husband's relatives, and the denial of education to girl children. At the forthcoming special session of the General Assembly, political will would be required on the part of Governments to identify achievable goals which would make a difference in the lives of women everywhere. The participation of NGOs would also be crucial.

83. Mr. LEPATAN (Philippines) said he welcomed the appointment of a special representative of the High Commissioner on trafficking in Asia. The report of the Secretary-General (E/CN.4/2000/66) revealed the strength of international and regional commitment to addressing the problem of trafficking in women and girls. It also revealed the magnitude of the challenges ahead. Root causes, including economic and developmental aspects, must be addressed, or else there would always be a pool of victims waiting to be exploited in the slums of the world, and in conflict zones.

84. A recent meeting of the Asian Regional Initiative Against Trafficking in Women and Girls (ARIAT) in Manila had identified four strategic areas for action, namely, prevention, protection, prosecution and repatriation, and reintegration of victims. A combination of approaches might prove necessary (developmental, rule of law, crime prevention, humanitarian and human rights approaches), hence the importance of coordination at all levels. The efforts of OHCHR in that regard were most welcome. Above all, it was crucial not to lose sight of the trafficked person in elaborating approaches to the issue.

85. Mr. MULONDA (Zambia), commending the efforts of the United Nations to mainstream a gender perspective, said that the full enjoyment of human rights by women and girls was a priority for his Government. It had implemented a range of affirmative and other measures to redress gender imbalances. The Zambian Constitution guaranteed the rights and freedoms of all persons, regardless of sex. Pending a systematic review of discriminatory legislation, the Government had instituted a national gender policy which incorporated gender perspectives in the education, science, trade and industry sectors. Gender mainstreaming in national policies and programmes had yet, however, to achieve the desired level.

86. Despite appropriate penal provisions, gender violence in Zambia was a long-standing problem. The Government had accordingly established a victim support unit under police auspices, and NGOs ran shelters for battered women and abused children, and counselling services for the victims and perpetrators of domestic violence. At the institutional level, a number of government mechanisms were responsible for gender mainstreaming and the prioritization of women's rights. The Government also continued to promote an enabling environment for women's organizations.

87. Mr. EL TALIB (Sudan) said that school curricula in his country reflected the significant role played by women in the history of the Sudan, including in the liberation from colonial

powers. Since the early days of independence, women had had the right to vote, and their participation in the country's economic, social, cultural and political development had been guaranteed. Since the 1980s, 25 per cent of all seats in local and regional councils and at the national level had been allocated to them.

88. The Sudanese Constitution provided that the State would emancipate women from injustice in all spheres, and encourage their role in the family and in public life. It also guaranteed their right to equality. The participation and status of women was further promoted by means of a comprehensive national strategy.

89. Women in the Sudan exercised their right to property and wealth. They were also eligible for nomination to public posts, including the presidency. In some government ministries, more than 50 per cent of the civil servants were female, including some very senior posts. Moreover, one woman was a judge of the Supreme Court and two women had reached the rank of ambassador. Women accounted for 62 per cent of the university students, and many were joining the teaching profession. Sudanese women also participated actively in voluntary work and in civil society: the Federation of Sudanese women had 12,000 affiliates throughout the country. The national commission for the eradication of traditional harmful practices was targeting, inter alia, female genital mutilation.

90. In the areas of armed conflict of the southern Sudan which were under rebel control, the situation of women was precarious. The Sudan People's Liberation Army (SPLA) engaged in abductions, rape and enforced displacement of women and systematically violated human rights by shelling the civilian population, using anti-personnel landmines and subjecting women and children to forced labour and other forms of ill-treatment. Civilians were also used as human shields and humanitarian aid was diverted. The activities of NGOs in rebel-controlled areas had also been restricted. Despite his Government's efforts to achieve a peaceful settlement to the conflict, civilians continued to suffer. The international community should thus apply pressure on SPLA to accept a comprehensive ceasefire.

91. Mr. AMAT FORÉS (Cuba) said that, in view of his Government's comments (E/CN.4/2000/131) on the report of the Special Rapporteur on violence against women on her mission to Cuba (E/CN.4/2000/68/Add.2) and particularly the points made regarding the "manipulation" of the Special Rapporteur's visit, the Secretariat should open an inquiry. The comments by the Deputy High Commissioner for Human Rights had not served to clarify the matter. Honest and transparent action was accredited in deeds, not words. The manipulation evident in the report clearly ran counter to the principles of the Charter of the United Nations.

92. Mr. BORISOVAS (Observer for Lithuania), having endorsed the statement by the representative of Portugal on behalf of the European Union, said that Lithuania was a party to many international instruments for the protection of women's human rights. A National Action Plan for the implementation of the Beijing goals was currently in its second phase, the first phase having been successfully completed. Moreover, a law on equal opportunities had entered into force on 1 March 1999 and its implementation was monitored by an ombudsman and a national equal opportunities office. In 1999, the number of Lithuanian NGOs dealing with gender issues had increased to 63. One such organization collected and analysed gender disaggregated data in a number of fields.

93. Domestic violence and sexual abuse were extremely sensitive issues which were being addressed by State institutions in cooperation with NGOs. One priority had been to introduce preventive measures in police stations. A programme for training police officials to deal with family conflict had recently been launched with the help of the United Nations Development Programme (UNDP) and 11 crisis centres had been established to provide assistance to female victims of violence. Police stations also had telephone hotlines for abused women.

94. Legislation was being prepared to control prostitution and trafficking in persons and to regulate the dissemination of erotic and violent publications. The forthcoming special session of the General Assembly would provide an opportunity to reaffirm his Government's commitment to the Beijing Declaration and Platform of Action and to pledge further action at the national level.

95. Ms. ABREU DE POLANCO (Observer for the Dominican Republic), stressing the importance of national measures to implement the Beijing goals, said that her Government had accordingly made some significant changes to the Criminal Code whereby violence against women, including domestic violence, was criminalized. A government infrastructure had also been established to address violence against women by providing psychological support to women and children of limited economic means whose rights had been violated. There was also a national committee dealing with domestic violence on which both government bodies and NGOs were represented.

96. Her Government welcomed the restructuring of the International Research and Training Institute for the Advancement of Women (INSTRAW), which should maintain its headquarters in the Dominican Republic and be accorded sufficient resources, in view of its importance for the advancement of women in developing countries.

97. Mr. HEINEMANN (Observer for the Netherlands), strongly condemning "honour killings", said that States must introduce appropriate legislation and prosecute the perpetrators. Despite a host of instruments and good intentions, many women and girls throughout the world continued to be subjected to atrocious forms of violence and to harmful traditional practices such as genital mutilation. It was time to move from eloquent words to action to ensure that women's human rights were fully honoured everywhere. The special session of the General Assembly would provide an appropriate occasion for stocktaking.

98. He was pleased to announce that the Netherlands would ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women in early 2001.

The meeting rose at 1.00 p.m.

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COMMISSION ON HUMAN RIGHTS

Fifty-sixth session

SUMMARY RECORD OF THE FIRST PART (PUBLIC)* OF THE 37th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 10 April 2000, at 3 p.m.

Chairman: Mr. SIMKHADA (Nepal)

later: Mr. RODRIGUEZ CEDEÑO (Venezuela)

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* The summary record of the second part (closed) of the meeting appears as document E/CN.4/2000/SR.37/Add.1.

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The meeting was called to order at 3.10 p.m.

INTEGRATION OF THE HUMAN RIGHTS OF WOMEN AND THE GENDER PERSPECTIVE:

(a) VIOLENCE AGAINST WOMEN (agenda item 12) (continued) (E/CN.4/2000/66, 67, 68 and Add.1-5, 115, 128 and 131; E/CN.4/2000/118-E/CN.6/2000/8; E/CN.4/2000/NGO/42, 56, 65, 87 and 119; E/CN.6/2000/6; E/CN.4/Sub.2/1999/14)

1. Mr. MUNTASSER (United Nations Population Fund (UNFPA)) said that the need for access to information, education and quality reproductive health care was as pressing as ever. There were still 350 million women in developing countries who did not have access to safe and effective family planning methods. More than 585,000 women died every year from problems related to childbirth and pregnancy; 99 per cent were from the developing countries. Unsafe abortion and sexually transmitted diseases constituted major problems. Large numbers of women also suffered various acts of violence, including rape, domestic violence, dowry murder, honour killings, trafficking in women and genital mutilation.

2. The millions of displaced women around the world had a particular need for reproductive health care. Since 1995 UNFPA and the United Nations High Commissioner for Refugees (UNHCR), with other organizations, had attempted to meet those needs, especially in the Great Lakes region and in Albania.

3. The right to health and the right to non-discrimination with regard to gender were fundamental. Empowering people to escape from poverty and to accelerate development would require the exercise of basic rights, including reproductive rights. If Governments were to be made accountable for neglecting the reproductive rights provided for in the various international instruments, the needs should be fully integrated into the treaty implementation and monitoring process. Each of the treaty monitoring bodies could provide advice on how States should report on such rights.

4. In order to strengthen reproductive rights, States should be urged to withdraw their reservations to the Convention on the Elimination of All Forms of Discrimination against Women and other related instruments and to support an optional protocol relating to reproductive rights.

5. Ms. GIORGIEVA (Observer for the Former Yugoslav Republic of Macedonia) said that, in order to eliminate gender discrimination, it was necessary to design a comprehensive national and global strategy. There was a need, five years after the Fourth World Conference on Women, to revise strategy and formulate future commitments. Her delegation was actively participating in the preparatory activities for the special session of the General Assembly on "Women 2000; gender equality, development and peace for the twenty-first century". One of the most efficient ways of eliminating gender discrimination was to establish a mechanism for examining individual petitions relating to violations of the Convention. The adoption of the Optional Protocol to the Convention, which provided for such a mechanism, was a major step forward. Her Government had signed the Protocol and encouraged other States to do likewise.

6. Trafficking in women was an appalling phenomenon that clearly violated the most elementary human rights. As a complex problem tied in with poverty and organized crime, it was extremely hard to combat. Her delegation supported the international community's efforts in that regard, and in particular the activities of the Office of the High Commissioner for Human Rights (OHCHR). The two draft optional protocols to the Convention against Transnational Organized Crime, currently being elaborated, should also contribute to preventing the traffic in women. Her delegation participated in the activities of the Council of Europe and OHCHR to prevent and eliminate the traffic in women in central and eastern Europe, as well as similar projects within the Stability Pact for South Eastern Europe.

7. At the national level, her Government paid due attention to the gender perspective. It had adopted legislation to promote gender equality, together with action to ensure compliance. A critical point was the participation of women in the decision-making process, particularly in the political field. The National Programme of Action, adopted in accordance with the Beijing Platform for Action, therefore aimed to strengthen government machinery to promote gender equality. In 1998 Parliament had adopted a Declaration on equal gender participation in the decision-making processes. The number of women in Parliament and Government remained, however, very small.

8. Ms. TAHERI (Observer for the Islamic Republic of Iran) said that, in implementation of the Iranian Constitution and in conformity with the provisions of the Beijing Platform for Action, the Government had developed a national plan for the advancement of women, with the emphasis on the establishment of institutionalized mechanisms to that end.

9. Since his election in 1997, the new President had striven to take account of women's concerns in the national planning process. At the legal level, the result had been the adoption of regulations which paved the way for adopting laws on women's participation in decision-making, preventing discrimination against women and improving their situation with regard to education, culture, health, social welfare and employment. Another achievement was the approval by Parliament of two new bills relating to pensions and custody of children, as well as executive regulations for the implementation of the social security law for women and children who had no means of support and the establishment of special courts aimed at facilitating litigation in cases relating to women. As a result of the growing gender sensitivity, more women had been promoted in the judiciary. Moreover, almost all public organizations and institutions had established special units for advancing the status of women.

10. Some of the most important achievements in women's health were the implementation of reproductive health and family planning programmes; greater popular participation in health-care provision; the formulation of laws and health schemes guaranteeing the reduction and elimination of occupational health hazards for women; and the development of mechanisms to give women full and equal access to health-care services.

11. With regard to the Beijing Platform for Action and the five-year review, her delegation welcomed the convening of the special session of the General Assembly in June 2000. By enabling participants to share best practices and to understand the obstacles encountered, the session would facilitate a pragmatic approach that would lead to the adoption of forward-looking measures. It would also make it possible to translate strategies into action geared to realizing the

goals set forth in the Beijing Platform for Action. The Iranian Centre for Women's Participation had formed a national committee to review the Government's actions and achievements under the five-year programme to implement the Beijing Platform for Action. The results of the review would be published under the title "The Islamic Republic of Iran National Report on the Advancement of Women". The Centre also regularly convened meetings and workshops to monitor progress made on the advancement of women in the country since the Fourth World Conference on Women.

12. Ms. SCHONMANN (Observer for Israel) said that her country had made significant progress over the past five years in raising public awareness and utilizing legislative measures to promote women's rights. The women members of Parliament, from rival parties and platforms, had successfully joined forces to promote affirmative action and advance women's status in Israeli society. Women's non-governmental organizations (NGOs) had also played a leading role in furthering the cause of women nationwide.

13. In 1998 the Knesset had passed far-reaching legislation making sexual harassment an offence that carried both criminal and civil penalties. The law provided a broad definition of such harassment in all situations of authority and applied not only in the civilian arena but also within the military, the police service and in higher education institutions. The past year had seen a significant rise in the number of complaints filed, which could be attributed to growing public awareness of the need to combat such forms of violence against women.

14. A catalyst in that regard had been the establishment of the Authority for the Advancement of the Status of Women in March 1998. The Authority had been commissioned, inter alia, to advise the various government ministries on the implementation of gender-related laws, to promote legislative initiatives for the elimination of gender discrimination, to initiate programmes and services to promote gender equality and to raise public awareness. In March 2000 the Knesset had also passed the Women's Equal Rights Law, which established the principle of full equality for women and stipulated, among other things, the right of women to be protected from violence, sexual harassment and exploitation.

15. The law-enforcement mechanisms in Israel had gone through a notable change, in that they dealt more efficiently with women's complaints of sexual harassment. National media campaigns had brought the subject to the forefront of public debate. Israel was a multicultural society, and attitudes had changed slowly but steadily. For effective results, there should be firm measures against those who violated the law. There should also be campaigns to create public willingness to advance a change in attitudes.

16. Mr. Rodriguez Cedeño (Venezuela), Vice-Chairman, took the Chair.

17. Ms. CASATI (Observer for Paraguay) said that women had always played an important role in Paraguayan society. During the wars that had left their mark on the history of Paraguay, they had supported the army, taken on farm work when the men were at the front and played a part in rebuilding the country. Paraguay was one of the first countries to have recognized women's rights: civil rights in 1954 and political rights in 1961, with the result that women had

been able to vote since 1963. Equality between men and women in the civil, political, economic, social and cultural domains was enshrined in the Constitution, which also set out positive measures to advance women in those areas.

18. Successive Governments had done their best to eliminate or change any provision which, contrary to international agreements, tended to encourage discrimination against women. They had thus made great efforts to establish gender equality at the legislative level. The Government had ratified the Convention, among other instruments, and had adapted national legislation correspondingly, unanimously adopting a bill against domestic violence in implementation of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women. Moreover, the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women had been laid before Parliament with a view to ratification, something her delegation hoped would take place before the special session of the General Assembly in June 2000.

19. In 1992 the Government had established the Secretariat for the Status of Women, the aim of which was to integrate the gender perspective into official policy. Among other activities, the Secretariat had adopted a plan on equality of opportunity for women and had a variety of mechanisms at its disposal to apply the plan at the national and local levels. Other women's programmes had been prepared and a national tripartite commission, made up of representatives of the State, workers and employers, had been set up to examine and promote equal participation by women in employment. It should be noted that the Secretariat worked closely with women's NGOs.

20. With regard to access by women to positions of responsibility, the situation was that, while women occupied ministerial and other high positions within the executive, they were more numerous among the elected representatives of the legislature. Great progress had been made in achieving equality between men and women, but financial, cultural and educational problems still hindered women's access to the highest positions, as well as to credit and to income-generating activities. The Government was determined that there should be equity in human development, so that men and women alike could enjoy economic and social well-being.

21. Mr. RIM Yong Chol (Democratic People's Republic of Korea) deplored the fact that the use of sexual violence against women in areas of armed conflict had not yet been terminated. The practice was still prevalent because past crimes against humanity had not been punished. The fact that rape, in particular, was still widespread in regions of armed conflict was because no satisfactory settlement had been reached regarding the sexual violence committed by the Japanese army against Korean and other Asian women during the Second World War. Japan refused to make public apologies and to compensate the victims for the crimes against humanity for which it was responsible, such as sexual slavery and forced recruitment and labour.

22. His delegation wished to reiterate that no statutory limitations could be applied to the crimes committed by the Japanese army which, in violation of international law, had forced 200,000 Korean women into sexual slavery and had inflicted inhuman and humiliating treatment upon them. The passage of time would not cover up such atrocities, and the Japanese authorities could not deceive anyone with the "Asian Women's Fund" and a "letter of apology". The delegation of the Democratic People's Republic of Korea welcomed the report submitted by

Ms. Gay J. McDougall, the Special Rapporteur of the Sub-Commission on wartime sexual slavery (E/CN.4/Sub.2/1998/13), and strongly urged the Japanese authorities to investigate and make public the human casualties and material losses suffered by the Korean people, to punish those responsible, and to make an official apology and pay compensation to the victims. Only measures of that kind would prevent the recurrence of such crimes against humanity.

23. Ms. ANANICH (Observer for Belarus) said that the difficulties of her country's period of transition had mainly affected women, who constituted the greater part of the population and whose situation had markedly deteriorated despite legislation that was relatively favourable to them. Admittedly, following the Beijing Conference the Government of Belarus had paid increased attention to the problems encountered by women, but many were difficult to deal with because they were directly bound up with the country's level of socio-economic development. Although on the whole better educated than men, women were less well paid, rarely held posts of responsibility and were unemployed almost twice as often as men. The situation of women bringing up children on their own had particularly deteriorated in recent years, especially in the cases of those whose children had become seriously ill as a result of the Chernobyl disaster, whom no one wanted to employ and who had to accept the most poorly paid work in order to survive. The level of economic, physical and sexual violence within the family was also very high in Belarus.

24. In order to remedy all those problems, the Government of Belarus had drawn up a National Action Programme and set in place the necessary institutional infrastructure to improve the situation of women. It was constantly engaged in perfecting the legislative foundations so as to ensure equality between the sexes, and was doing its best to implement all measures on behalf of women, particularly mothers. In that respect, the Government was cooperating with the country's social and women's organizations, as well as UNDP, UNICEF and UNIFEM. Since 1998 emergency centres had existed for women who were the victims of sexual or physical violence and telephone help services were available for women in difficulty. The Government was also implementing programmes on behalf of women running their own companies, single mothers, mothers of handicapped children and other categories of socially disadvantaged women. It was also conducting an information campaign to increase popular awareness and mobilize the population. Such achievements demonstrated the importance Belarus attached to improving the situation of women and promoting equality between the sexes. Her Government was counting on the technical and financial support of the international community in implementing initiatives and specific projects in that regard.

25. Ms. GEGA (Observer for Albania) explained that the situation of women in Albanian society had markedly improved since the overthrow of the communist system. Legislative and institutional reforms had been undertaken to guarantee women full enjoyment of their rights and freedoms. Article 18 of the Constitution, which declared that all citizens were equal before the law, was the foundation for the provisions of the Civil Code, Code of Civil Procedure, Penal Code, Code of Criminal Procedure and Labour Code establishing equality between the sexes. Revision of the Family Code was also proceeding in the same direction. In addition, a National Committee on Women and the Family had been established in 1998. It was responsible in particular for implementing the Convention on the Elimination of All Forms of Discrimination against Women, ratified by Albania in 1993, and the Beijing Programme of Action. Judges

dealing with family questions had been given additional training, and new amendments to the Penal Code were planned in order to increase the number of provisions prohibiting violence within the family.

26. The Albanian Government had committed itself to improving the system of social protection of women. It was coordinating adminstrative and legal measures to defend the place and the interests of women in the family, in the workplace, in school and in society in general. As far as the traffic in women and children was concerned, the Albanian Government had devised special programmes in collaboration with other countries. Also, measures had been taken to combat women's poverty and unemployment and to improve their living conditions and access to medical services. The Government was also doing its best to encourage a change in attitudes and the implementation of programmes to advise and rehabilitate women and girls who were the victims of violence. In partnership with NGOs, the Albanian Government was supporting exchanges of views in schools and other institutions about the new relations to be established between family members, with a view to advancing the status of women.

27. Her Government was concerned about the situation of thousands of Kosovar women and girls who were still suffering terribly even though the war had ended. The fate of hundreds of others was unknown, and many were still being held in Serb prisons, among them Flora Brovina, who had been jailed for 12 years for her activities in defending human rights. The Albanian Government was appealing for her release, and for those responsible for crimes against the Kosovar people to be brought to justice.

28. Ms. AL-HAJJAJI (Observer for the Libyan Arab Jamahiriya) explained that if one read the Koran one could acquire the necessary historical perspective to understand the essence of things. As to the legal situation of women in Islam, and specifically the matter of bearing witness, verse 282 of sura II (the Cow) had often been badly interpreted. It stated: "Call in two male witnesses from among you, but if two men cannot be found, then one man and two women whom who judge fit to act as witnesses". Some had inferred that the testimony of a woman was worth only half that of a man, but such an interpretation was erroneous. The value of a woman's testimony was not in question since, on the one hand, the verse concerned loans, a commercial transaction which was historically the prerogative of men, and, on the other hand, the second woman had to be there only to help the first if she made a mistake or forgot. Furthermore, the Koran clearly established the principle of equal testimony, notably for adultery. One could not, therefore, conclude that it instituted some kind of inferiority as far as women were concerned.

29. Mr. ALERYANI (Observer for Yemen) said that the situation of women in Yemen had improved a great deal over the past 20 years in spite of many obstacles, since Yemeni society was marked by very strong traditions. The Government had written the equality of men and women before the law into the Constitution. It had adopted numerous measures aimed at enhancing the participation of women in the country's social, economic and political life. In particular, it had adopted a national strategy for women in 1997, following the first meeting of the National Committee on Women, which was held with the participation of governmental and non-governmental organizations. It had also drawn up a programme on the education of girls for the period 1998-2010. In addition, the Ministry of Labour was currently drawing up a strategy on women's employment and another strategy on their professional training, which sought to avoid the adverse consequences of structural adjustment.

30. Notable progress had been made in the plan for the participation of women in political life. The participation rate for women in the 1997 elections had been 45 per cent, as against 21 per cent in 1993. Two women currently held seats in the Senate, and there were 32 women judges, one of them in the Court of Appeal, two women vice-ministers and three women deputy ministers. Women now occupied senior positions in the administrative and judicial system, and in the political parties themselves. One was on the Higher Electoral Committee formed in 1993. At the diplomatic level, several women had been appointed to senior posts in missions abroad, and for the first time a woman had become an ambassador. Also, there had been more women working in the private sector and in business since the revolution.

31. Yemen thanked the countries that had helped it for their cooperation; it intended to pursue its activities to improve the status of women.

32. Mr. JONSSON (Observer for Iceland) said that, although some progress had been achieved, the goals established at the Fourth World Conference on Women in Beijing were far from being attained. It was therefore necessary to continue the fight against the flagrant violations of women's human rights in countries such as Afghanistan, where those rights were flouted under the guise of respect for religion and tradition. In other countries, too, freedom of movement for women was severely restricted, with effective segregation of the sexes.

33. Nor did women benefit to the same extent as men from the beneficial effects of globalization and from new technologies. The situation had, in fact, become so serious that there was now talk of the feminization of poverty. It was thus crucial to promote women's right to education, and to further their training so that they might make full use of technologies and have access to the opportunities offered by ongoing changes in the global market. Men should also participate in such efforts, since respect for human rights increased security and stability and constituted the surest means of contributing to economic prosperity and overall development. The disproportionate roles played by men and women in family life was another factor which had contributed to discrimination against women. The Icelandic Government was planning to rectify that situation by submitting a bill to Parliament that provided for equal rights for men and women to maternity and parental leave.

34. The adoption of an Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, and the inclusion of rape, sexual slavery, enforced prostitution and all other forms of gender violence as crimes against humanity and war crimes in the Rome Statute of the International Criminal Court, represented important steps towards the strengthening of women's rights. His delegation accordingly encouraged all Member States to sign and ratify those two instruments.

35. Ms. COTTINGHAM (World Health Organization (WHO)) stressed the need to pay more attention to the interlinkages between the protection of women's human rights and their health. The discrimination suffered by women throughout their lives had adverse consequences for their health, and thus made them more vulnerable to other forms of violations. With a view to combatting such discrimination, it was essential to use gender-specific analysis and consistently collect sex-disaggregated data. It was also very important that public health systems should protect the rights of women, for example by integrating a gender perspective and involving women in the planning and provision of health services.

36. WHO was committed to promoting reproductive health and reproductive rights. Women had the right to make free and informed decisions about their reproductive lives and to benefit from medical services and scientific progress. They also had the right to privacy and to freedom from sexual violence and coercion. Violence - as a result not only of its physical but also of its social, economic and psychological consequences - could have an impact on all aspects of women's lives and affect the lives of their children. WHO's new Corporate Strategy emphasized a broad approach to health within the context of human rights and human development, based on the belief that respecting, protecting and fulfilling women's human rights would lead to improved health for women.

37. Mr. DOUNG CHI DUNG (Observer for Viet Nam) welcomed the work of the Commission on the Status of Women in preparing for the forthcoming special session of the General Assembly. His country intended to participate actively in the session. The Vietnamese State had always promoted the emancipation of women and gender equality. As the sixth State to have signed the Convention on the Elimination of All Forms of Discrimination against Women, in 1980, Viet Nam had actively sought to introduce the requisite political and legal basis to implement the provisions of the Convention. The 1992 Constitution provided for equality between men and women in all fields. As a follow-up to the Beijing Conference, in 1997 the Vietnamese Government had adopted a National Plan of Action for the Advancement of Women through to the year 2000. The status of Vietnamese women had been greatly improved, particularly with respect to participation in public decision-making. They currently accounted for more than 13 per cent of ministers and for more than 26 per cent of deputies.

38. In order to deal effectively with trafficking in women, which had serious, long-term physical, psychological and social effects, Viet Nam had embarked on concerted measures with different sectors and administrative levels. Measures undertaken to that end should address the root of the evil, and society as a whole should be encouraged to participate further in that difficult task. International and regional coordination and cooperation should be strengthened and the United Nations system called upon to make a contribution.

39. Ms. AEBY (Observer for Switzerland) said that in 1999 her country had adopted a national action plan, "Equality between women and men", which gave concrete realization in all fields to the Platform for Action adopted by the Beijing Conference. In the preparations for the special session of the General Assembly (Beijing +5 Review), her delegation was concerned to note that some States were seeking to undermine the agreed conclusions of the Platform for Action, which were not renegotiable. Preparations for the special session should also take into account the results of the International Conference on Population and Development (Cairo) and the World Summit for Social Development (Copenhagen), and address new challenges.

40. One such challenge was trafficking in women. Her delegation commended Mrs. Coomaraswamy on her excellent support on the issue (E/CN.4/2000/68) and particularly endorsed some of her recommendations. The proposed definition of trafficking was most useful, especially since it sought to protect, rather than penalize, victims. Her delegation also supported the incorporation in the protocol to prevent, suppress, and punish trafficking in women to the draft international convention against transnational organized crime, of human rights standards for the treatment of trafficked persons, rights that would include access to justice, medical care

and assistance, the granting by the authorities of the host country of a residence permit, and the protection of witnesses. Reintegration of victims, in full dignity, in their country of origin should also be a priority.

41. In the framework of the Organization for Security and Cooperation in Europe (OSCE), her Government supported legislative review projects, and cooperated with non-governmental organizations (NGOs) in various countries in combatting trafficking and in protecting victims. Swiss missions abroad also made available to women wishing to emigrate to Switzerland information on their rights in Switzerland, and gave diplomatic staff training on the subject of trafficking in human beings. Her Government also contributed to the fight against poverty among women and to the strengthening of women's economic and social rights by means of development assistance. In advocating an integral approach to equality between men and women, the Swiss Government wished to encourage women to participate more actively in conflict prevention and in the maintenance of peace.

42. Ms. MAJALI (Observer for Jordan) said that her country - which had ratified the Convention on the Elimination of All Forms of Discrimination against Women and had embodied the principle of non-discrimination in the Constitution - continued to take measures to amend its legislation and regulations accordingly. The national strategy for the advancement and equality of women was, moreover, modelled on the Beijing Platform for Action. Her delegation intended to participate actively in the General Assembly's special session, which, as the Chairperson of the Commission on the Status of Women had pointed out, would afford an opportunity to consolidate agreed conclusions on protection of the fundamental rights of women. Moreover, her delegation paid tribute to the efforts made by the High Commissioner for Human Rights, particularly in integrating a gender perspective in the activities of the United Nations system.

43. She welcomed the report on the situation regarding the elimination of traditional practices affecting the health of women and the girl child, prepared by Mrs. Warzazi, as well as Mrs. Coomaraswamy's report on violence against women (E/CN.4/2000/68). Her delegation failed to understand, however, why Mrs. Coomaraswamy, in introducing her report, had drawn particular attention to Jordan in respect of "honour killings" when the Special Rapporteur on extrajudicial, summary or arbitrary executions in her report (E/CN.4/2000/3, para.82) had welcomed initiatives taken by the Government of Jordan to bring its legislation into conformity with international standards in that regard. The Jordanian delegation had already explained that a crime considered in some parts of the world to be a crime of passion was deemed an honour killing in other parts. It had also demonstrated that the perpetrators of such crimes did not remain unpunished in Jordan, even if some sentences were reduced in certain circumstances. The Jordanian Government had placed a bill before Parliament to annul article 340 of the Penal Code in respect of honour killings, but regrettably the bill had failed to pass.

44. Ms. CHEW (Asian Legal Resource Centre (ALRC)), speaking also on behalf of the Global Alliance against Trafficking in Women, drew the Commission's attention to the situation of Dalit women in India, detailed in the organization's written statement (E/CN.4/2000/NGO/65). Such women suffered the worst forms of discrimination based on caste

and sex, and were subjected to extremely inhuman treatment (torture, rape, killing) as punishment for asserting their rights or for standing up to dominant castes, while the police typically stood by or did nothing to prosecute the perpetrators of such crimes.

45. ALRC commended the Special Rapporteur on Violence against Women on her lucid and constructive report (E/CN.4/2000/68), which provided a clear definition of trafficking in women. The vulnerability of women to trafficking must indeed be understood in the context of the basic right to freedom of movement. ALRC was following the Special Rapporteur's lead by calling upon Governments to move from paternalistic approaches that sought to "protect" innocent women to more holistic approaches that sought to protect and promote the human rights of all women. She welcomed the recommendation to Governments and the international community to utilize the Human Rights Standards for the Treatment of Trafficked Persons, which had been launched jointly by the Global Alliance against Trafficking in Women, the Foundation against Trafficking in Women and the International Human Rights Law Group. Based on the fundamental principle of non-discrimination, the Standards set out procedures to ensure compensation and assistance to victims of trafficking. Immediate implementation of the Standards was crucial in evolving long-term strategies to combat all forms of violence against women.

46. Ms. MYA MYA AYE (Worldview International Foundation) lamented the fact that no mention had been made in any of the reports introduced under agenda item 12 of the situation of Rakhaing women on the western Burma border. In common with other women belonging to ethnic minorities such as the Karen, Kachin, Chin, Mon, Burman and Shan, such women were regularly torn from their families by the army, forced to do manual labour or domestic work, and also mistreated when too tired or undernourished to work.

47. The impoverishment and militarization of modern Burmese society produced fertile ground for two main forms of violence against women in Burma, namely rape and trafficking. Rape, in fact, was used by the army as a tool to demoralize and destroy ethnic communities, and to pursue warfare beyond the battlefield. The rapists generally went unpunished, and victims seeking justice were frequently the object of reprisals, which heightened the climate of terror induced by such crimes in conflict zones.

48. The phenomenon of trafficking in women, common to many developing countries, was also exacerbated by armed conflict. The policy of the State Peace and Development Council, which tended towards increased military expenditure at the cost of development, had brought widespread poverty, leading many women and girls to prostitution in neighbouring countries. Significantly, Burma was a party to the Convention on the Elimination of All Forms of Discrimination against Women, article 6 of which obliged States party to "take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women". Poverty further denied women the right to adequate food and access to decent health care, and many children did not attend school.

49. On behalf of Rakhaing women and indeed of all women in Burma, Worldview International Foundation appealed to the Commission to take the necessary steps to end violence against women in Burma, and to help restore their rights.

50. Mr. RAVENNA (Permanent Assembly for Human Rights (APDH)) said that, although the Argentinian Government had ratified the Convention on the Elimination of All Forms of Discrimination against Women in 1985, and had since adopted legislation aimed at resolving women's issues, effective mechanisms had yet to be established to guarantee the exercise and enjoyment by women of their rights. Nor had legislation to protect women been effectively publicized; not only were women ignorant of such legislation, but indeed the civil servants responsible for implementing it.

51. Violence against women, whether it occurred within or outside the family, was a very widespread problem in Argentina, where 30 per cent of female homicide victims were assassinated by their spouses. According to a recent UNICEF report, 82 per cent of rapes of minors were committed by relatives of the victims. That serious situation had resulted in the enactment of domestic legislation on family violence, but civil servants - in particular the police - had not yet been given the necessary training.

52. Contraception posed a further problem, since it was not considered a health issue in Argentina. Contraception was not provided either under the public health service or in the private sector. Women consequently resorted to induced abortions, particularly women with a low level of education, and those secret abortions were the third major cause of death among women of child-bearing age. According to some estimates, there were between 300,000 and 400,000 abortions a year in Argentina. National and provincial authorities should therefore make family planning services freely available and should incorporate sex education in school curricula.

53. Nor was the principle of equal pay for equal work respected in Argentina, for women earned 20 to 30 per cent less than men. According to the National Statistics Office, 3,200,000 people in the federal capital were living below the poverty line, and many of them were women.

54. In politics, although legislation provided for a quota of at least 30 per cent women in public office, that mandatory rule was bypassed at all levels; what was supposed to be a minimum percentage had effectively become a maximum percentage.

55. Ms. SANCHO (Lila Pilipina) reiterated an appeal on behalf of her organization to all members of the Commission to ensure that all the former "comfort women" in the Philippines and other countries who had been reduced to sexual slavery by the Japanese army during the Second World War received official apologies and moral and financial compensation from the State. In fact, it was worth recalling that the Asian Women's Fund, which was responsible for paying compensation to survivors, was a private fund and that medical and social assistance provided under the Fund by the Japanese Government was given to women "in crisis situations" in general, and not explicitly to the former comfort women. It was time for the Japanese Government to acknowledge its responsibility by offering official apologies coupled with State compensation to each victim. Lila Pilipina commended the two Special Rapporteurs on violence against women and on the situation of systematic rape, sexual slavery and slavery-like practices during periods of armed conflict, including internal conflict, for having formulated recommendations to that effect. Her organization also strongly urged the Commission to support

the bill submitted by Senator Shoji Motooka and the Japanese Democratic Party in the House of Councillors of the Japanese Diet. It welcomed that first official initiative to make the Japanese Government admit its wrongdoings and accede to the demands of the victims.

56. As regards trafficking in women, Lila Pilipina fully agreed with the definition given by the Special Rapporteur on violence against women in her report (E/CN.4/2000/68). It was a clear and comprehensive definition which was tailored to protect and promote the rights of victims "with special emphasis on gender-specific violations and protections". The Special Rapporteur particularly emphasized the common elements found in all forms of trafficking, namely (1) the lack of consent; (2) the brokering of human beings; (3) the transport; and (4) the exploitative or servile conditions of the work or relationship.

57. Ms. AHMADI (International Human Rights Law Group) denounced the extreme forms of violence which still victimized women on a daily basis in Afghanistan, in the name of religion. The Taliban had in effect enforced laws which made women prisoners in their own homes. In 90 per cent of the country, women and girls were unable to go to school, to the office or to hospital, or to wear their traditional dress, since those acts were considered by the Taliban to be crimes. Women were therefore condemned to disappear from public life. The Department of Virtue and the Suppression of Vice, established by the Taliban, could have a woman arrested at any time without giving her any right of appeal against the punishments inflicted on her. The International Human Rights Law Group welcomed the report of the Special Rapporteur on violence against women, Ms. Coomaraswamy, and agreed with her conclusion that the international community could not tolerate the situation in Afghanistan and that no regime anywhere in the world that treated women as did the Taliban should be allowed a place in the community of nations.

58. Ms. IDZAKOVIC (International Human Rights Law Group) said that in 1995 there had been a sudden increase in the number of women coming to Bosnia and Herzegovina from eastern European countries, attracted by false promises of work. In reality, they were the victims of traffickers, and were sold, moved and generally treated as goods. The main "distribution centres" were the town of Bijeljina or the Brcko region, where the women were sold to brothel owners for DM. 2,000 to DM. 3,000. There they were forced to work as prostitutes, were tortured, beaten and starved. Their treatment was intended to make them submissive. Deprived of any freedom of movement, they lived in conditions of slavery without papers, money or access to health care. In view of that situation, all States were urged to examine strategies to combat trafficking in persons.

59. Ms. DEHOY (Catholic Institute for International Relations) expressed her organization's deep concern regarding the dramatic situation faced by the Rohingya women of Burma who had been and were still being trafficked to Pakistan and who had no other option for survival because of the oppressive policies carried out by the Burmese military regime against the Muslim minority of Arakan state. The Special Rapporteur on the situation of human rights in Myanmar had referred to their situation in his report (E/CN.4/2000/38). All the fundamental rights of citizenship were denied them following amendments to the Citizenship Act in 1982 that rendered them stateless. Consequently, they did not enjoy freedom of movement; furthermore, they often lived in situations of extreme poverty, lacked education and had no access to health care. In

addition, families subjected to all sorts of afflictions (forced labour, arbitrary taxation and confiscation of land) were deprived of all means of subsistence. Such policies had led to a refugee exodus to Bangladesh in the past two decades and that exodus had not stopped.

60. The refugee camps in Bangladesh were ideal recruiting grounds for the traffickers. The so-called "voluntary" repatriation programme had further contributed to the development of trafficking to a third country, since the conditions for safe return had not been achieved. Moreover, thousands of persons had not been admitted to the refugee camps and found themselves totally deprived of humanitarian assistance. Many Rohingya women fell into the web of the recruiters in Bangladesh, who took them to Pakistan. On the way many of them disappeared, were arrested, left behind, abducted or sold, and were especially exposed to sexual violence.

61. In Pakistan, the Rohingya population was mostly concentrated in the suburbs of Karachi. According to a police report, the number of Burmese living illegally in Karachi had risen to some 200,000 in 1993, an increase of 700 per cent over the figure for 1988. Women and children were often sold into sexual slavery or domestic servitude, and others were working in conditions which were tantamount to slavery as a result of debt bondage.

62. The Government of Pakistan had remained insensitive to the plight of the many illegal migrants, and the Rohingya women were constantly at risk of being arrested and imprisoned for breaking the Pakistani law on foreigners which prohibited illegal entry into the country and the Hudood Ordinance which specifically prohibited extra-marital sexual relations.

63. Measures needed to be taken urgently to allow the Rohingya women to live in dignity. It was the Commission's responsibility to intervene with the Government of Myanmar to put an end to their situation of statelessness and to ensure that their fundamental rights were respected.

64. Ms. KRISNAWATI (Asia Pacific Forum on Women, Law and Development) drew the Commission's attention to the issue of violence against women in Indonesia. That country was currently in transition from a military regime marked by large-scale human rights violations, to a civilian Government attempting to establish a more democratic regime. However, women were still victims of brutal and systematic acts of violence (rape, shooting, kidnapping, torture) throughout the country, but particularly in areas of armed conflict, such as Aceh, West Papua and East Timor, and also in Jakarta during the riots in May 1998.

65. For example, more than 30 women had died in massacres in several regions of the island of Java at the end of 1999 and the beginning of the year 2000. The investigation conducted by the National Commission on Violence against Women established that the massacres had been planned in advance, and carried out by professional killers, so as to draw the population's attention away from the illegal activities of the military and to terrorize communities.

66. The Indonesian Government, in cooperation with a number of organizations, was endeavouring to implement the recommendations made by the Special Rapporteur on violence against women. To that end, various measures had been taken: the establishment of a "zero tolerance policy on violence against women", the creation of a victim and witness protection system and the preparation of a bill on rape and sexual violence. The Government was also

contemplating the establishment of a truth and reconciliation commission. However, elements within the armed forces wished to maintain the status quo and to avoid prosecution by using violence against women as a way to build up a climate of fear and so perpetuate the vulnerable position of women in society.

67. The Indonesian Government had ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Elimination of All Forms of Discrimination against Women. However, many of the principles proclaimed in those instruments had still not been incorporated in national legislation. The Commission should therefore condemn all forms of violence against Indonesian women and urge the Indonesian Government to bring to trial the perpetrators of the massacres in Java; to invite the Special Rapporteur on extrajudicial, summary or arbitrary executions to conduct an on-the-spot investigation, to implement the recommendations made by the United Nations Special Rapporteur on violence against women in her report; and, finally, to set up national mechanisms with a view to bringing an end to all forms of violence against women.

68. Ms. BELLAMY (International Confederation of Free Trade Unions (ICFTU)) said that, although the principle of equality between men and women was written into the constitutions and national legislation of many countries, it was not always implemented in practice. In Iceland, for instance, although a 1991 Act prohibited discrimination between men and women in employment, women's earnings were 16 per cent below those of men.

69. The globalization of economies had had an impact on the lives of large numbers of women. The great majority of individuals in part-time, underpaid and atypical jobs, working at home, working flexible hours, in temporary or casual employment or in the informal sector were women. To counter the adverse effects of globalization, steps should be taken to ensure that the rights of women in the workplace were incorporated in the policies of the WTO, the World Bank, the IMF and regional economic agreements. Special attention should be paid to vulnerable groups - young women, women migrant workers, women from ethnic minorities, handicapped women, lesbians and older women. The ILO, in cooperation with the ICFTU, was conducting a project specifically on the subject of the informal sectors - free export zones, domestic employment and work in rural areas - designed to end the isolation of the women concerned and to bring them information on basic labour standards.

70. To attain the goal of equality in employment, the ICFTU and its affiliated organizations were concentrating their activities on campaigns to promote the ratification and implementation of relevant international instruments, and in particular ILO Conventions Nos. 100, 111 and 156 concerning equality of remuneration, non-discrimination in employment and equal opportunity and treatment, as well as the United Nations Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, and the proposal to revise ILO Convention No. 103 on maternity protection, which was to be adopted in June.

71. Mr. OBEID (Arab Lawyers Union) drew attention to the situation of women in the Israeli-occupied territories in Lebanon. In southern Lebanon and the western Bekaa, Lebanese women were living in constant fear of incursions by Israeli troops into their homes at any time of the day to arrest members of their families on charges of cooperation with the Lebanese resistance or to enrol them forcibly in the militias of the so-called "South Lebanon Army",

founded by Israel after the invasion of Lebanon in 1978. In addition to the anguish experienced when their husbands, brothers or sons were arbitrarily arrested and detained by the Israeli forces, Lebanese women were also suffering physically. Large numbers of Lebanese women were being held in Israeli prisons - and in particular in the Khiam Detention Camp - and were being subjected to torture, inhuman treatment and humiliation during their detention. He mentioned several cases of women on whom exactions of those kinds had been inflicted by the Israeli forces. The situation of those women was a clear illustration of the terrorism practised by the Israeli State against Lebanese citizens over the past 22 years in violation of all international principles, agreements and instruments.

72. Mr. Simkhada (Nepal) resumed the Chair.

73. Ms. KAMARUZZAMAN (Observer for the Australian Council for Overseas Aid) denounced the acts of violence being committed against women in the province of Aceh, in northern Indonesia, during the period of military operations from 1989 to 1998. Notwithstanding the change of government since then, the rights of women were still being violated in Aceh, and the military had stepped up its acts of violence committed in Aceh in the past year. There had been cases of rape, and women and children had been used as human shields. In March, for example, six men had ransacked houses and raped women in a village. According to the witnesses, the men had been masked but wearing military uniforms. Some of the victims recognized soldiers who had been operating in the area three days earlier. The Special Rapporteur on violence against women had been informed of the situation during her visit to Indonesia at the end of 1998. In particular, she met women from Aceh who informed her that rape and sexual violence had become instruments of intimidation and torture in that province.

74. The Australian Council for Overseas Aid called on the Commission to urge the Indonesian Government to ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and to apply it in its entirety; to implement the recommendations of the Special Rapporteur; to put an end to the immunity of those who violated human rights (and particularly the perpetrators of sexual violence); to involve women in the settlement of conflicts; and to support the establishment of the Peace Commission proposed by the first Aceh Women's Congress in February.

75. Ms. NADIA (Third World Movement against the Exploitation of Women) denounced the different forms of violence that women were still experiencing in Indonesia, particularly the systematic use of rape in conflict areas such as Aceh and western Papua and, more recently, in a number of refugee camps in West Timor. Rape had also been used as an instrument of terrorism in urban areas during the political upheaval in May 1998, and in East Timor since the Indonesian military invasion in 1975. In particular, in some regions, and especially the free trade zones and industrial areas, young women had been forcibly injected with Depropovera, a contraceptive. The perpetrators of those violations had never been brought to justice, for the country's political instability encouraged immunity.

76. The use of rape during periods of armed conflict also reflected the inferior position of women in Indonesian society, in which they were relegated to the roles of wives and mothers and were the principal victims of violence within the family. The democratization of the country had not changed that situation in any way. The restrictive and discriminatory measures and

legislation affecting women were still in place, and the Government did not seem to attach priority attention to women's issues. A number of aspects of the Convention on the Elimination of All Forms of Discrimination against Women, which Indonesia had ratified in 1984, had still not been incorporated in domestic legislation.

77. Lastly, the Third World Movement Against the Exploitation of Women called on the Commission to urge the Indonesian Government to take all necessary measures to end systematic violence against women as an instrument of intimidation and oppression and, in accordance with the recommendations of the Special Rapporteur on violence against women, to establish a victim and witness protection programme and to adopt legislation prohibiting rape and sexual violence, so as to put an end to impunity in that field.

Statements in exercise of the right of reply

78. Ms. COMOGLU-ULGEN (Observer for Turkey) expressed astonishment that the Special Rapporteur on violence against women had, during the previous meeting, unjustifiably included Turkey among the countries in which "honour killings" took place, without having previously made any mention of the matter. It should be pointed out that the Turkish Government had provided information on the subject to the Special Rapporteur on extrajudicial, summary and arbitrary executions at her request and not in response to a complaint. Moreover, the Turkish Penal Code laid down very severe penalties for persons engaging in such inhuman practices.

79. Ms. MAJALI (Observer for Jordan) expressed regret that the Special Rapporteur on violence against women had mentioned Jordan in connection with honour killings, although, as the UNICEF Administrative Manager had stated, Jordan was the country in which crimes of that type were fewest in number. Moreover, the number of such crimes was still falling. What was more, increasingly numerous protests were being heard in the country against acts of that type, which were committed under the pressures of traditions and customs which could not be changed overnight.

80. Such crimes were not tolerated in Jordan and, consequently, their perpetrators could not go unpunished. It was true that article 340 of the Penal Code provided that a man who surprised his wife, or one of his close women relatives, committing adultery and killed or injured her could be completely discharged or sentenced to a light penalty. However, the Government had submitted to Parliament a draft bill for the abrogation of that article; unfortunately, Parliament had not adopted it. In fact, the Special Rapporteur on extrajudicial, summary or arbitrary executions had welcomed the initiative taken by the Government of Jordan in paragraph 82 of her report (E/CN.4/2000/3).

The first (public) part of the meeting rose at 5.30 p.m.

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Fifty-sixth session

SUMMARY RECORD OF THE 38th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 11 April 2000, at 10 a.m.

Chairman: Mr. SIMKHADA (Nepal)

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(a) VIOLENCE AGAINST WOMEN (continued)

RIGHTS OF THE CHILD

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The meeting was called to order at 10.05 a.m.

INTEGRATION OF THE HUMAN RIGHTS OF WOMEN AND THE GENDER PERSPECTIVE:

(a) VIOLENCE AGAINST WOMEN (agenda item 12) (continued) (E/CN.4/2000/66, 67, 68 and Add.1-5, 115, 128 and 131; E/CN.4/2000/118-E/CN.6/2000/8; E/CN.4/2000/NGO/42, 56, 65, 87, 119 and 145; E/CN.6/2000/6; E/CN.4/Sub.2/1999/14)

1. Ms. ZHANG (International Labour Organization (ILO)) said that the promotion of gender equality required an enabling environment in which all men and women could enjoy human rights. The rights-based approach should go hand-in-hand with the development-based approach, for sound development was based on social and economic progress.

2. Efforts were being made to strengthen the gender dimension in the follow-up to the Declaration on Fundamental Principles and Rights at Work, adopted by the International Labour Conference in June 1998. Efforts were also being made to promote the ratification and application of other conventions of relevance to women's rights.

3. One of the ILO priorities in its follow-up to the Beijing Platform for Action was the promotion of awareness of women workers' rights and legal literacy concerning them. Special importance had also been given to protecting the rights of those working outside the formal labour protection system, most of whom were women; empowering women by promoting their participation in setting the development agenda; promoting fairer representation in decision-making; and enabling workers to combine work and family life.

4. To meet the challenges of globalization, a process that for many implied greater insecurity and even marginalization, ILO had developed a strategic global programme on decent work, thereby placing gender equality and development issues at the heart of its agenda. Gender equality was a matter not only of rights and social justice but also of efficiency and good business sense.

5. Ms. CARRILLO (United Nations Development Fund for Women (UNIFEM)) said that, in its work on the integration of women's rights into United Nations activities system-wide, UNIFEM had been involved in substantive analysis of women's human rights and the gender-specific dimensions of human rights, in cooperation with the Office of the United Nations High Commissioner for Human Rights (OHCHR) and in the development of expertise, training and advocacy for procedures to ensure accountability.

6. A coherent policy framework required a commitment to gender equality in all United Nations policies and programmes; the adoption of a gender perspective that analysed the effects of women's and men's social roles on their human rights; the incorporation of international legal standards relevant to women's human rights into the policy frameworks of United Nations bodies and funds; the routine inclusion of women's human rights in efforts to mainstream human rights in the context of United Nations reform; and systematic consideration

by United Nations human rights bodies of how gender discrimination restricted women's enjoyment of their human rights and how their human rights were shaped by the interplay of gender and factors such as race or socio-economic status.

7. Women's groups and other non-governmental organizations (NGOs) played a central role in integrating women's rights into human rights activities, notably by providing information to treaty bodies and special mechanisms and by their involvement in technical cooperation projects.

8. The Declaration on the Elimination of Violence against Women, adopted in 1993, had been a landmark because it situated violence against women in a human rights context, enlarged the concept of violence against women to reflect the real conditions of women's lives, and pointed to the gender-based roots of such violence. UNIFEM welcomed the ground-breaking work of the Special Rapporteur on violence against women and hoped that the Commission would renew her mandate. UNIFEM would use her findings and recommendations to help in its own work of eliminating violence against women.

9. In 1998, UNIFEM had led a global inter-agency campaign on violence-free societies that had focused unprecedented attention on the need for joint efforts to eliminate violence against women. The violence experienced by women in wartime was part of a continuum that began at home, and UNIFEM was supporting work on gender-related issues in conflict situations in order to ensure the integration of women's interests into the procedures of the International Criminal Court.

10. Ms. TANGGAMA (Survival International) said that the Indonesian security forces continued to use violence and torture against women in West Papua, despite the recommendations made by the Special Rapporteur in the report on her mission to Indonesia (E/CN.4/1999/68/Add.3). Abuses against women had been taking place for over 30 years, and included killings, rape, torture, hard labour, arbitrary detention and mental oppression. Yet no perpetrators had been brought to trial and it seemed unlikely that any would be in the near future.

11. Women in detention, whatever their age, were treated like animals and, in 1998, the military had punished a peaceful demonstration by taking women out to sea on Indonesian navy ships, raping and sexually mutilating them and throwing them overboard. If bloodshed was to be avoided, the international community must urge Indonesia to enter into genuine dialogue with the people of West Papua. She called on the Commission to put pressure on the Indonesian Government, as a State party to the Convention on the Elimination of All Forms of Discrimination against Women, to denounce discrimination against women, including discrimination through violence, in accordance with article 1 of the Convention.

12. Ms. FELIPE ALVES (Asian Buddhist Conference for Peace) said that, since the referendum in East Timor in August 1999, the Indonesian military and militias had subjected women to rape, torture, illegal detention, sexual harassment, summary executions and forced disappearances. Harassment and sexual violence still continued in the refugee camps in West Timor and some East Timorese women had disappeared from the camps. Her organization was concerned that many women had been summarily executed because they were potential witnesses to atrocities committed in East Timor.

13. The United Nations Transitional Administration in East Timor (UNTAET) had largely ignored the role of women in the reconstruction effort. East Timorese women were under-represented in national and local decision-making bodies. The Commission should ensure that the United Nations established mechanisms to bring those who had committed crimes against humanity before and during the referendum to justice. She also called for a halt to the violations in the refugee camps.

14. Ms. DIOP (African Commission of Health and Human Rights Promoters) said that the HIV/AIDS pandemic was recognized to be a serious threat to Africa's peace, security and development. Yet, alarming as infection rates in Africa were, even more alarming was the disproportionately high number of African women becoming infected as compared with the rest of the world. The reason African women were so vulnerable to HIV/AIDS was that they had yet to attain their most basic rights. A recent workshop organized by Femmes Africa Solidarité, with the support of the Joint United Nations Programme on HIV/AIDS (UNAIDS), the Organization of African Unity (OAU) and the Economic Commission for Africa (ECA), had made clear that their economic dependency on men, their lack of negotiating power at home and their need to resort to sexual networking in order to sustain themselves made African women much more vulnerable to HIV/AIDS.

15. That already high risk was compounded by the prevalence of violent conflict: rape was increasingly being used as a weapon of war and armed conflict situations forced many women and girls to offer their sexual services. At the same time, there was a profound lack of understanding of the nature of HIV/AIDS: in many communities, AIDS was still an enigma shrouded in dangerous myth. She called on the Commission to intensify efforts to link gender and HIV/AIDS with the promotion of women's human rights in Africa.

16. Mr. SISSON (International Fellowship of Reconciliation) said that his organization welcomed the recent progress on the issue of military sexual slavery by Japan during the Second World War. In her previous reports, the Commission's Special Rapporteur on violence against women had noted that it was not enough to establish a private foundation to compensate victims. Japan had both a moral and a legal responsibility to apologize, and to compensate the victims. Subsequently, the Sub-Commission's Special Rapporteur on systematic rape, sexual slavery and slavery-like practices during armed conflict had suggested some practical means of implementing those recommendations (E/CN.4/Sub.2/1998/13). In the light of Sub-Commission resolution 1999/16, which referred to States' duty to respect their international obligations to prosecute perpetrators and compensate all victims of human rights violations, the lack of response by the Government of Japan was regrettable.

17. His organization suggested that an international truth and reconciliation commission under United Nations supervision could provide a framework for resolving the conflict. Such a commission could address four main concerns on the "comfort women" issue: disclosure of official documents by Japan; testimony of victims and the accountability of perpetrators; an official apology by Japan and admission of moral and legal responsibility; and financial compensation. A framework of that kind would focus on justice and forgiveness rather than on guilt and humiliation, and he urged the Commission to give the proposal its serious consideration.

18. Mrs. POLONOVSKI (International Council of Women) said that, five years after the adoption of the Beijing Platform for Action, violence against women persisted and had in some places intensified. Many women were still subjected to systematic violence in the form of forced sterilization, contraception and abortion, including late-term abortion. In Afghanistan and Tibet, women who had had two or more children were routinely sterilized. Penalties for resisting included loss of employment and forfeiture of rights to health care, food and education.

19. Women detainees too, were subject to violence, in the form of long prison terms without trial, beatings, poor medical care and forced exercise. All systematic violence that humiliated women in their womanhood demanded international action. It was deeply regrettable that it was only when violence spiralled out of control that it caught the world's attention.

20. Mr. SARAF (World Muslim Congress) said that most women who suffered discrimination and violence were victims of domestic violence, which cut across class, religion and national and ethnic origin. In many societies it was not reported, in order to protect family honour and, in the absence of legal protection, women suffered in silence. In fact, in some States, legislation actually encouraged violence against women and in others agents of the State itself tortured and abused women.

21. The Commission should take note of the fact that only 7 of the 18 countries to which communications had been transmitted by the Special Rapporteur had responded. The Indian Government's failure to respond to the Special Rapporteur's communications amounted to condoning the Indian army atrocities against women and girls in Jammu and Kashmir.

22. He drew attention to excesses committed against women prisoners in Bermuda, a United Kingdom colony. The Israeli authorities should stop the practice of placing female political prisoners in the same cells as male criminals.

23. Ms. MARGHETICI (Pax Romana), speaking also on behalf of International Young Catholic Students, drew attention to the practice in Equatorial Guinea - which was a party to the International Covenant on Civil and Political Rights - of imprisoning women for failing to return the dowry when a marriage was dissolved. Another form of discrimination in the same country was the inequality of access to education, particularly at secondary or university level. Whereas 10 per cent of the male population was illiterate, the figure for women was 30 per cent. The Commission should extend the mandate of its Special Representative on the situation in that country for a further year to monitor the human rights situation there.

24. Prostitution was becoming an increasingly profitable industry. Bought from their relatives at very low prices, girls from Africa, Asia and Central America were taken to the United States of America, Europe and the Middle East, where they were forced into sexual servitude. Led into their situations through ignorance and naivety, they found themselves trapped. It was shameful for humanity that girls and women were sold as objects in the market place.

25. Perpetrators of such crimes were rarely brought to justice. Often a country's legal systems and culture were insufficient. Urgent consideration should be given to international cooperation. At the national level, the authorities in destination countries ought to enact

legislation to protect the victims of trafficking and to facilitate their integration or return to the country of origin. Public education and information programmes should be introduced. In countries where prostitution was authorized, prostitutes should be registered and carry identification, so as to prevent illegal trafficking.

26. Ms. SONG Wenyan (All-China Women's Federation) said that it was encouraging to see the increasingly serious attitude taken by many Governments towards the promotion and protection of human rights. Real progress had been made.

27. Some speakers had mentioned Falun Gong. The fact was that some women had, as a result of practising Falun Gong, committed suicide. In other cases, women had refused medical treatment, left their jobs or come to regard their family members as devils. It was impossible to empower women or strive for their advancement if Falun Gong had drawn them away from economic activities or public affairs. The representative of Freedom House had recently asserted that there were 70 to 100 million Falun Gong practitioners in China. In fact, there were no more than 2 million; the cases Freedom House had mentioned had all been fabricated.

28. Ms. SHAH (Muslim World League) said that, while impressive progress had been made on implementing the Beijing Platform for Action, the Commission and other human rights mechanisms had yet to focus on abuses of women in a number of regions. In the recent past, the women of Chechnya, Bosnia and Herzegovina, Rwanda, Kosovo and Jammu and Kashmir had been subjected to brutality inspired by ethnic cleansing policies. Women and children always suffered worst in armed conflicts. In almost all cultures, raping an opponent's womenfolk was the greatest possible insult. It had therefore been rightly included as a war crime in the Rome Statute of the International Criminal Court. Her organization hoped that the Statute would act as a deterrent and that the perpetrators of the crime would be brought to justice.

29. The valley of Kashmir resonated with tales of torture and violence, including systematic rape and sexual abuse of the women by the Indian armed forces, which had been given blanket protection by the authorities. She urged the Commission to prevail on India to allow a visit by the Special Rapporteur on violence against women to investigate human rights violations carried out with impunity not only in Kashmir but in other Indian states. The Commission should not ignore a people or a region because its rights were being trampled on by one of the Commission's influential members. Political considerations should be set aside.

30. Mr. WARIKOO (Himalayan Research and Cultural Foundation) drew a contrast between the preparations for the forthcoming special session of the General Assembly and the inhuman treatment still being suffered by women at the hands of Islamist extremists. The situation in Afghanistan was particularly bad in that regard.

31. Islamist extremists had also been committing atrocities against the women of Jammu and Kashmir. Much against the Kashmiri Muslim tradition, the local women were being forced to adopt the fundamentalist way of life, wear the veil and lead a life of seclusion. Girls had been punished for wearing modern clothes and others had been forced into "command marriages", which had resulted in hundreds of unwanted pregnancies. Women were murdered to punish their male relatives. There were at least 10,000 widows in the State. He urged the Commission to set standards on how States should respond to violence against women.

32. Ms. SHAUMIAN (International Institute for Peace) said that women were exposed to some very specific forms of discrimination, one of the worst being "honour killings". Such killings took many forms. Sometimes women had been forced to commit suicide after a public denunciation of their behaviour. Others were disfigured by acid and died of their injuries. An 18-year-old woman had been flogged to death in Bangladesh for "immoral" behaviour. Around 25 women were reported killed for crimes of "honour" each year in Jordan, while the corresponding figure in Pakistan was 300. Only a handful of perpetrators were arrested and the law allowed the victim's heirs to forgive the accused or accept compensation. In almost all cases, the victim was killed by her own family or at its behest.

33. In every civil conflict of the past few years, women of all ages had been targeted for sexual violence. Driven into flight, they had been subjected to sexual and domestic violence in refugee camps as well. The deliberate victimization of women in situations of armed conflict should be considered a crime against humanity and those involved should be held responsible. Women could, however, play an important role in conflict resolution and peace building. Measures should be adopted to use them as peace brokers in armed conflicts.

34. Ms. ALI (Afro-Asian People's Solidarity Organization) said that, in many developing countries, sons were more highly valued than daughters. Women were deprived of equality in all their rights. In Nepalese society, they could be sold by parents or husbands for prostitution in big Indian cities. Another reprehensible traditional actice, in the Mugu district of Nepal, was to keep women before and for a month after the birth of a child in a buffalo shed in poor hygienic conditions.

35. It was estimated that about 95 per cent of pregnant women in Iraq suffered from malnutrition and anaemia. They gave birth to malnourished children which often died. In Bhutan, particularly in the east and south, poverty and illiteracy among women were rife. It was a male-dominated society. Men were officially entitled to keep three wives, but many had up to seven.

36. In Pakistan, sex outside marriage was punishable by death by stoning, up to 10 years' imprisonment, whipping or a fine. The law made no distinction between adultery and rape. Moreover, the age of criminal culpability had been lowered, so that girls as young as 11 could be liable to the most severe punishments. Socially, women in Pakistan were disadvantaged from birth. Girls received less food and had less access to education and health care. Only 28 per cent of girls of primary school age attended school and a mere 11 per cent of older girls. Only some 15 per cent of females could read or write. The incidence of rape and domestic violence as very high. In 1999 alone, 1,000 women had been the victims of "honour killings".

37. Ms. ARIF (Interfaith International) said that in many countries a woman could move about only if accompanied by a male relative. It seemed illogical to claim that women had equality with men but were not adequate for priesthood and to exclude them from certain areas in houses of worship. Many laws discriminating against women derived from religious practice. All the major religions manifested discriminatory treatment of women in some way.

38. Amnesty International reported that 80 per cent of Pakistani women suffered from domestic violence. In many countries women were victims of "honour killings". In Jordan, ,the lower house of Parliament had voted against reducing the penalty for men guilty of such killings, arguing that it would incite social delinquency.

39. The fundamental human right of procreation was in danger in Iraq and in Kosovo. Iraqi women, 10 years after the Gulf War, were suffering from unprecedented spontaneous abortions as a result of chromosome damage caused by the use of depleted uranium ammunition. There was a similar problem in Kosovo.

40. In the Sudan, captured women were being sold into slavery: no other term could be used for a situation in which women had no rights over their own bodies, were not free to leave and were forced into sexual activity with their masters. Kurdish women, too, were subjected to sexual violence as part of Turkey's total warfare against the Kurds. In South Africa, rape was endemic. Her organization urged the leaders of the world's great religions to educate their followers concerning such practices of violence against women.

41. Ms. JAMPA (International Union of Socialist Youth) said that, in some countries, violence against women had intensified, sometimes overtly but, in places where discrimination was also based on race or religion, it could be more covert. In Tibet, women were subjected to systematic violence in the form of forced sterilization, contraception and abortion, including late-term abortion, in violation of articles 1 and 2 of the Convention on the Elimination of All Forms of Discrimination against Women, which China had ratified in 1980. Such actions could not be seen as other than an attempt to reduce the Tibetan population when, at the same time, millions of Chinese were being settled in the area. In one province, it was proposed to reduce the number of children allowed to Tibetans: from two to one for workers and urban residents and from three to two for farmers and herders. It was reported that similar quotas were being imposed in three other provinces. Parents would be subject to penalties or fines for "excess" children.

42. Women detainees suffered beatings, denial of medical care and forced exercise regimes. Nuns - who constituted the vast majority of women political detainees - often suffered uniquely degrading and sexual forms of torture. Beatings were so severe that one nun had lost the sight of an eye, another had gone deaf and a third had been left barely able to walk. In that connection, the Chinese authorities had lied to the Special Rapporteur on violence against women in their response in the case of Ms. Ngawang Sandrol (E/CN.4/2000/68/Add.1, para. 35).

43. The systematic violence against Tibetan women demanded international action and she urged the Commission to intervene. The Tibetan people were working to secure fundamental human rights, including their right to self-determination. If their non-violent campaign failed to command international support, the message would be that only the kind of violence that had occurred in the former Yugoslavia could attract world attention.

44. Ms. SRIVASTAVA (International Institute for Non-aligned Studies) said that the restrictions imposed on women were the result of stereotypes developed over centuries, and it was possible that women contributed to those stereotypes by taking a passive attitude towards the discrimination practised against them. Women had also placed shackles on their own

freedoms, and in many countries, had not banded together to fight for their rights. When they had done so, they had achieved recognition, economic independence and the respect of the male-dominated societies that subjugated them. The ills and discrimination faced by women in many developing countries could be overcome through the education of society as a whole. However, States must provide the structures and facilities that allowed women to be educated and appreciate their own potential.

45. Discrimination was still rife in developed countries, and the situation in developing countries was far worse: custom and tradition were used to relegate the vast majority of women to an inferior position, and religions were distorted for the same purpose. The problem requiring most immediate attention was the plight of women in societies where social and traditional prejudices were consolidated by constitutions and legislation. In such societies, where they were treated as second class citizens, the only option available to women was to band together and assert their rights.

46. Ms. HUANG Ciping (Transnational Radical Party) said that, while both men and women in China had been robbed of most of their basic human rights, the women suffered more than the men. Chinese women did not live equally with men, but were their slaves. Among the many abuses to which they were subjected were forced abortion and sterilization. Millions of baby girls were aborted or abandoned. Women were sold as brides, faced difficulties in finding and keeping employment and female political prisoners were sexually assaulted.

47. The Government organized such crimes against Chinese women and encouraged its officials to carry them out. A dictatorship with such a shameful human rights record could not be expected to respect women's rights. In addition to their own suffering, many Chinese women whose loved ones were among the millions of political prisoners jailed in the country had an additional burden to bear.

48. Just like oppressed women in other parts of the world, Chinese women made sacrifices for the human rights and happiness of the whole human race. In return, they were abused and threatened. They had to bear a disproportionate share of pain and suffering for justice, equality, freedom and human rights.

49. Ms. SHI Yuhong (Association of World Citizens) said that her organization wished to express its dismay at the treatment of female Falun Gong practitioners in China. Violence against such women was widespread and systematic, and reflected a deliberate policy. The violence and abuse was not limited to conditions in prison but also exercised through so-called reform-through-labour camps and mental institutions. While both men and women were harshly punished for publicizing the current state of affairs in China, women were forced to endure gender-specific brutality and humiliation, including many forms of sexual abuse. It was remarkable that the reaction of many women to such systematic violence was one of compassion and forbearance.

50. There were two main aspects to the work of the Commission with respect to violence against women. One was universal, since the establishment of equal relations between men and women was a worldwide task. The other was country-specific, and required an examination of the socio-economic and political context. The Commission must work with every Government

and society in order to overcome violence against women. With regard to China, the Government of that country must revise its ban on the practice of Falun Gong, because that ban had been responsible for a great deal of violence against women.

51. Mr. LITTMAN (Association for World Education) said that, as Commission resolution 1999/82 stated, Islam was frequently and wrongly associated with human rights violations and terrorism. In connection with the so-called honour killings in Pakistan, the Pakistani delegation should assure the Commission that preventive measures were envisaged by the new Government to end those grave violations of women's human rights.

52. A further defamation of Islam was the attempt to link it with female genital mutilation. As he had consistently maintained, the term "traditional or customary practices" was a shameful euphemism for "torture of females". In the Sudan, it was not only the Muslim female population that was subjected to such traumatic violence, but also the victims of "traditional slavery". In southern Sudan, defenceless women and children were displaced in order to facilitate oil drilling and were not only likely to be sold or trafficked, but were deliberately bombarded by the Government with cluster and other bombs when gathering to receive humanitarian aid.

53. His organization endorsed the appeal by Médecins sans Frontières to the Government of the Sudan to cease all such aerial bombings and the trafficking of women and children obtained through so-called traditional slavery practices. It also called on the Commission to condemn the Sudan for such crimes against humanity.

54. Mr. ARIMITSU (Asian Women's Human Rights Council) said that he wished to appeal to the Commission to take renewed action to defend the rights of the so-called comfort women forced into sexual slavery by the Japanese armed forces during the Second World War. As a result of discussions in the Commission, the Sub-Commission and the Working Group on Contemporary Forms of Slavery, the Special Rapporteur on violence against women had recommended that the Government of Japan should make an official apology and provide State compensation to the victims. Notwithstanding those recommendations, there had been no development in the policy of that Government. The women involved would not be satisfied with money provided through a private fund: they had strongly articulated their demand for an unambiguous official apology and individual State compensation for that war crime.

55. An important bill recently introduced in the Japanese Senate would satisfy the women's demands, which were supported by a further recent resolution passed by the House of Representatives in the Philippines. He urged the Commission to support the Japanese bill, which should be welcomed by the international community. He also urged the Commission to endorse Sub-Commission resolution 1999/16, which reiterated that States must respect their international obligations to prosecute perpetrators and compensate all victims of human rights and humanitarian law violations. In view of the age of many of the women in question, urgent action was necessary.

56. Ms. BERAUN (American Association of Jurists) said that her organization welcomed the Optional Protocol that had been adopted to the Convention on the Elimination of All Forms of Discrimination against Women. However, the Optional Protocol appeared to consider as falling

within its scope only violations of human rights committed by the States parties. It thus excluded private individuals or institutions, other States, international organizations and private international institutions or enterprises.

57. While some might interpret the Optional Protocol as allowing NGOs to submit complaints on behalf of persons or groups of persons, that was not explicitly provided for: the formulation was vague. The clause in which it was stated that a complainant must be under the jurisdiction of the State against which a complaint was made was anachronistic and would hamper the submission of complaints against third States. For example, victims of international trafficking for the purpose of sexual exploitation, namely, women who were taken from one country to another to be sexually exploited and were subsequently deported, would be unable to file complaints against the latter State because they would not be subject to its jurisdiction.

58. Globalization had established relationships and mutual dependence between all the States of the world. Economic and social phenomena in one State or groups of States could have repercussions on others. It was therefore archaic to ignore the international context when dealing with violations of the human rights of more than half the world's population.

59. The new Optional Protocol, with its limitations, did nothing to remedy the shortcomings of the Convention itself, which provided no protection for women engaged in prostitution, heads of single parent families or women migrant workers. The Optional Protocol had also failed to incorporate the principles laid down in the Declaration on the Elimination of Violence against Women, nor did it make any reference to the right of women to rest, to a reasonable working day and to the enjoyment of leisure time.

60. Ms. GUERRERO (Centro de Estudios sobre la Juventud) said that, while violence did exist in Cuba as in all other countries, young people there did not have to worry about the relative advantages of being male or female or to be very concerned about physical or other forms of violence. Young Cubans had, however, been greatly damaged by the blockade imposed on their country. Nevertheless, with the few resources available to it, Cuban society made every endeavour to nurture its young people and to raise their awareness of human rights issues. There was no impunity for abusers or violators of human rights. Cuban women were active and independent, and the worst human rights violation they had to endure was the economic blockade imposed on them by their northern neighbour.

61. Ms. CARCANO (Women's International Democratic Federation) said that little had been done to advance the enjoyment by millions of people of their human rights. She was particularly concerned by the feminization of poverty.

62. The Federation of Cuban Women was affiliated to her own organization, and had done much to promote the active involvement of Cuban women in the political, economic, social and cultural life of the country. She had therefore been concerned to read the report by the Special Rapporteur on violence against women of her visit to Cuba (E/CN.4/2000/68/Add.2), and wished to support the response thereto of the Federation of Cuban Women. There had been no need for

the Special Rapporteur to visit Cuba in order to write her report, since she appeared not to have understood, or to have ignored, the information she had been given in the country. It would have been better if the resources used for her visit had been invested in development.

63. It was insulting for the Special Rapporteur to urge the Cuban Government to look into the law reform with regard to domestic violence that had taken place in other parts of Latin America and thereafter evaluate the need for any amendments in Cuba. She might just as well tell other countries that, since Cuba had done so much to improve the situation of women, those countries should also have a revolution.

64. Mr. LU Xingchong (China Society for Human Rights) said that the Commission should pay special attention to all women victims of cults. His own wife had become a committed follower of Falun Gong, and as a result had refused medical treatment for her poor health. When she was unable to bear her pain any longer, she committed suicide. He believed that more than 1,000 people in China had died as a result of obeying Falun Gong teaching with regard to medical treatment. The cult was responsible for violating human rights, disrupting society and inflicting pain and misery on thousands of families. He found it difficult to understand why the United States Government should shelter the cult leader or use the cult as an excuse to attack his country.

65. Ms. AROCHA DOMÍNGUEZ (Federation of Cuban Women) said that women had made considerable progress in the economic, social and political life of Cuba and accounted for 43.6 per cent of the labour force and 59 per cent of university graduates. They held a high proportion of professional, scientific and management posts, and 27.6 per cent of parliamentarians were women. At its most recent Congress, her organization had recognized the correctness of the Cuban Government's policies to improve the status of women and had made recommendations whereby the effectiveness of the relevant legislation could be further enhanced.

66. Cuban women were, however, indignant at the lack of objectivity and professionalism in the report of the Special Rapporteur on violence against women on her mission to Cuba (E/CN.4/2000/68/Add.2). It was a clear case of bad faith and distortion to discredit the Cuban Government. The Special Rapporteur's inappropriate assertions and superficial judgements undermined the credibility of such visits. Cuba did not need Special Rapporteurs; it was capable of resolving its own problems. What it did need was an end to the economic sanctions and agressive policies towards Cuba, which were having such a severe impact on Cuban women.

67. Mr. NARANG (Indian Council of Education) drew attention to large-scale violations of women's human rights throughout the world. Gender-based violence continued to be viewed as a women's - rather than a human rights - issue. The international women's human rights movement had succeeded in raising the visibility of abuses against women, and the international community had made welcome statements in support of women's human rights. However, the gap between rhetoric and reality was vast. As many as 1.5 billion people were living in poverty, 70 per cent of whom were women. Moreover, their participation in economic and political decision-making was still very limited. Women occupied only 10 per cent of parliamentary seats throughout the world and accounted for less than 5 per cent of heads of State.

68. It was particularly intolerable that the law of some countries denied women their basic rights to health care, education, work and participation in public life. In recent years, with the growth of State-sponsored fundamentalism, there had even been a shift away from the rhetoric of equal rights for women, with the enactment of legislation which actually withdrew legal and political rights women had already won.

69. Ms. TALBOT (World Federation of Trade Unions) said that deliberate discrimination against women continued to abound in the twenty-first century. Even in the most economically advanced countries, women were treated as sex objects rather than as men's equals. At least such societies had developed the necessary avenues for redress.

70. For the most part, the problem was no longer one of awareness, but of discriminatory attitudes fortified by legal and institutional structures. Such was the case in Pakistan, where over 1,000 women had been subjected to honour killings in 1999 alone. Taliban ideology was fast gaining ground in that country, threatening the future rights of Pakistani women.

71. A woman's greatest trauma was seeing her children deprived, physically or mentally. The child soldiers of Africa, the trainee soldiers of Pakistan and Afghanistan, those crippled by landmines or mourning the death of their parents at the hands of terrorists, also formed part of the burden of modern women.

72. The international community must take immediate action to end fundamentalist terrorism and violence, including by sanctioning States whose structures encouraged intolerance and discrimination against women, particularly in the name of religion. A global women's organization should be established to examine the behaviour of States towards women.

73. Ms. FAIZA (Union Nationale de la Femme Tunisienne) said she welcomed the efforts of the United Nations to integrate the human rights of women into its activities. Tunisian women were protected by a Constitution that guaranteed equality between the sexes. Equality, development and peace were three key concepts for her organization, which sought abolition of the marital vow of obedience, and tougher punishments for domestic violence.

74. Tunisian women saw peace as essential to development, and supported women's peace efforts throughout the world. For women to exert full political pressure, however, they must be heard not merely as an electorate, but as elected decision makers. Only then might democracies be built in which men and women participated equally. Women should join forces worldwide to achieve that end.

75. Ms. DARGEL (World Organization of Former Pupils of Catholic Education), drawing attention to paradoxes in the modern world, which computers would be hard put to unravel, said that States signatory to human rights instruments remained unsatisfactory in terms of their overall enforcement, that the military escaped punishment in certain countries for sexual crimes and that, elsewhere, massacres and executions were an integral part of State policy. Meanwhile, genital surgery practised on girls transformed an act of joy into one of suffering. Her organization welcomed the efforts of the Secretary-General to mainstream human rights throughout the United Nations system and to investigate gross violations of children's rights.

76. Mr. ZHANG Lei (China), speaking in exercise of the right of reply, said that the accusations of a certain NGO were not even worth refuting. "New China" had empowered millions of Chinese women, who enjoyed all human rights and fundamental freedoms on equal footing with men. The Dalai Lama was a representative of "darkest serfdom"; neither he nor his supporters were qualified to speak of human rights. Under the Dalai Lama, Tibetans had lived an "inhuman life", as reflected in Tibet's legal code of the time. It was thus preposterous for the Dalai Lama to set himself up as a human rights defender.

RIGHTS OF THE CHILD (agenda item 13) (E/CN.4/2000/69, 72, 73 and Add.1-3, 74, 75 and 128; E/CN.4/2000/NGO/21, 35, 57, 59, 82, 88, 127 and 142; CRC/C/84, 87 and 90)

77. Mr. OTUNNU (Under-Secretary-General, Special Representative of the Secretary-General for Children in Armed Conflict), introducing his reports (E/CN.4/2000/71 and A/54/430), said that two primary objectives had propelled his advocacy work. The first was to build a worldwide social and political movement for the protection of war-affected children in order to reverse the trends of widespread abuse and brutalization of children in armed conflict. The second was to instigate a critical mass of activities and initiatives for the benefit of children - both in the midst and in the aftermath of armed conflict - which would become self-sustaining well beyond his mandate.

78. The international community should call on all warring factions in all ongoing conflicts to stop fighting, for the sake of children, for a period of one week in the calendar. That week would be devoted to child protection and the promotion of peace. More than symbolic, it would enable the international community to provide relief and vaccinations to war-affected children. Moreover, young people themselves should be involved, inter alia in a children-to-children network between children in war-affected countries and their counterparts from countries at peace.

79. He was delighted that a consensus agreement had finally been reached on raising the minimum age for recruitment and participation in conflict from 15 to 18. Although the consensus could have gone further, it represented a victory for children, and an important step towards eliminating the use of children as soldiers. With agreement on the optional protocol in place, the focus should be on making a difference on the ground by: exerting concerted international pressure on parties to conflicts, addressing the political, social and economic factors that facilitated the exploitation of children as soldiers, mobilizing more resources to respond to the rehabilitation needs of ex-child soldiers, and broadening the scope of concern to embrace all children affected by conflict.

80. With a view to bringing impunity for egregious violations of children's rights in conflicts to an end, all aspects of peace processes should highlight the abuses perpetrated on children during conflict. The perpetrators, moreover, must not be exempted from responsibility when amnesty legislation was contemplated. The international community should also press for application of the provisions of Security Council resolution 1261 of August 1999, which represented a momentous development for the cause of children affected by armed conflict.

81. With a view to ensuring that child protection was integrated into United Nations peace and security activities, he had been working to ensure that: relevant reports to the

Security Council reflected the situation of children as a matter of course; training on the rights and protection of children and women was provided to all peace operation personnel; and senior officers were appointed in the capacity of Child Protection Advisers (CPAs), as was already the case in Sierra Leone and the Democratic Republic of the Congo.

82. The international community currently had at its disposal an impressive body of international instruments providing for the protection of children in armed conflict. The time had come to work together in a concerted manner to develop awareness-raising and other activities, in order to ensure the application of those norms on the ground.

The meeting rose at 1.00 p.m.